SASKATCHEWAN HUMAN RIGHTS COMMISSION

1988 ANNUAL REPORT

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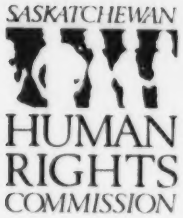
Saskatchewan Human Rights Commission
1988 Annual Report



The Saskatchewan Human Rights Code states:

3. The objects of this Act are:
   (a) to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and

   (b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimation.

SASKATCHEWAN
HUMAN RIGHTS COMMISSION

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Jan Kernaghan
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Executive Director
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March 16, 1989

The Honourable Bob Andrew
Room 355
Legislative Building
Regina, Saskatchewan
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Dear Mr. Andrew:

It is with pleasure that I submit the 1988 annual report of the Saskatchewan Human Rights Commission to you, pursuant to Section 49 of The Saskatchewan Human Rights Code.

Yours truly,

Ronald J. Kruzeniski
Chief Commissioner

RJK.jmc

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INDEX

1988 in Review 1

Commission Members 3

The Mandate of the Commission 5

Investigations Division 6

Settlements and Tribunals 9

Affirmative Action 17

Education Activities 21

Exemptions 23

Accessibility 25

List of Publications 26

List of Saskatchewan Human Rights Commission Staff 28

Tables of Statistics 29

1988 In Review

1988 has been a year of achievement for the Saskatchewan Human Rights Commission.

We are particularly pleased with the response of school boards to Education Equity, a special program designed to bring greater benefits to Indian and Metis children in the schools.

In 1985 the Commission asked all school boards in the province with an enrollment of Indian and Metis students of five percent or more to participate in Education Equity. We are pleased to be able to report that at the end of 1988 almost every board in that category has developed a plan. Seventeen plans have been approved; a further two will be approved early in 1989.

At the present time there are approximately 74,700 students in schools guided by those boards; 15.6 percent of them are of Indian ancestry. The boards employ approximately 4,100 teachers; 3.5 percent are of Indian ancestry.

If the boards are able to meet their goals, it is anticipated that at the end of the 10-year period the plans are in effect, an additional 409 teachers of Indian ancestry will have been hired.

Now that the plans are well underway, the Commission's role in this area will be very different. Our participation will be limited to annual monitoring and providing an avenue (such as seminars) for an exchange of ideas.

But even though the level of our involvement will be less in the future, our commitment to the success of Education Equity is as firm as it was when we first addressed the problem. We believe Education Equity is off to a promising start, and anticipate that the benefits for children of Indian ancestry will be real and immediate.

We are also pleased to be able to report progress in affirmative action in the workplace.

The Commission granted interim approval in 1988 to a government plan covering permanent and non-permanent union (S.G.E.U.) positions. It builds on a preliminary plan approved in 1987 that covered non-union management and professional positions. Now, 97 percent of all provincial government employees are participating in a comprehensive affirmative action program.

This means that the three largest public sector employers in the province are supporting affirmative action – the Cities of Saskatoon and Regina had plans approved in 1987. Their participation and support are an example to private sector employers in Saskatchewan.

The Commission is working with employers and educational institutions to develop new affirmative action plans. It is hoped they will soon be added to the 15 plans already in place.

In reviewing the activities of the Investigations Unit, there is also much to be proud of. Major strides were made in 1988 in the length of time it takes to complete an investigation.

We had set ourselves the goal of completing investigations in 12 months. We didn't quite reach our goal, but we were very close. The average length of time it took to complete an investigation in 1988 was 14.2 months. In 1989, we will again be working towards the goal of completing investigations in a 12-month period.

An important case was resolved in 1988, that of Murray Chambers. The Saskatchewan Court of Appeal determined that Chambers had been discriminated against by the provincial government when it paid him less social assistance than it paid to a married person in a comparable category.

The decision is a significant one, because it defines the words "public service" as they are used in *The Saskatchewan Human Rights Code*. The Appeal Court made it clear that all government services offered to the public on an equal basis come under the protection of the *Code*.

The case also emphasizes how important it is for the Commission to be independent of the government of the day. Under the present system, Commissioners are appointed by the government through an Order in Council. When the Commission receives a complaint about the government, and investigates that complaint, there may be doubt in the mind of the public about the impartiality of Commissioners who are government appointees.

We have recommended on several occasions in the past, and recommend once again, that Commission members be appointed by the Legislative Assembly as a whole, and that the Commission report to the

Legislative Assembly through the Speaker of the House, rather than directly to a government minister, as is now the case.

We believe this change would be to the advantage of both the government and the Commission.

Another significant step forward for human rights in Saskatchewan came with the government's announcement that mental disability would be added to the *Code* as a protected category. We anticipate the *Code* will be amended in 1989 protecting those who have a mental disability from discrimination.

We are hopeful other amendments to the *Code* will also be made at that time. A recent Court of Appeal decision in the *Red Eye Case* has highlighted a weakness in Section 14 of the *Code* that we believe needs to be rectified by amendment, as soon as possible.

The Court of Appeal said that the Red Eye, a publication of the University of Saskatchewan Engineering Students' Society, did not come within Section 14 of the *Code* which prohibits publication of any notice, sign, symbol, emblem or other representation that attacks the dignity of people because of, among other things, their sex. The Court has interpreted this section to mean that it does not include written articles or oral statements.

It is important to close this loophole. If the wording of Section 14, as it now stands, does not allow for a broad interpretation, we ask the legislature to amend the *Code* so that the Commission is able to deal with written or spoken material that affronts the dignity of people or exposes them to hatred or ridicule because of their race, religion, sex, and so on.

It is important that human rights laws and human rights commissions are able to deal with material such as hate literature. It seems unreasonable to allow a human rights commission to deal with the effects of racist or sexist attitudes, and yet not allow them to prevent the spread of those attitudes.

We are pleased that the government chose to appoint three new commissioners in 1988. The diverse skills and knowledge they bring to the Commission will help to ensure that it is sensitive to the concerns of all people in the province.

We would also like to commend the government for approving regulations to the *Uniform Building and Accessibility Standards Act* that set out the standards public buildings and facilities must meet to be accessible to those with physical disabilities. Regulations were needed to ensure that physically disabled people are not denied their right to equal opportunity and access because of architectural barriers.

We would like, however, to see the legislation go further and to bring under its jurisdiction buildings and facilities that at the present time are excluded. We hope that eventually the government standards will match those of the Commission's Accessibility Standards Guidelines adopted in 1980.

Their purpose is the same, but in addition to differences in their scope, there are also differences in the way the two standards are applied. The Commission can act only when it receives a complaint; it uses its Accessibility Standards to assess the validity of that complaint. The government's accessibility standards apply to new public buildings and those renovated for a new use; all builders are required by law to meet those standards at the time of construction.

The government's legislation is therefore very important in the protection of the rights of those who are disabled. But in our view, those standards do not go far enough. We see the legislation as a good beginning, and encourage the government to improve on it in 1989.

We have come close to meeting all the goals set by the Commission for 1988. New goals have been set for 1989. It is our expectation that the Commission will be able to achieve them, by once again using the resources available to it as efficiently as possible. But we are now reaching the point where those resources cannot be stretched much further. It will be difficult in the near future to maintain our effectiveness if additional funds are not made available.

The Commission looks forward to the challenge of 1989.

Ronald J. Kruzeniski
Chief Commissioner

Commission Members

Three new Commission members were appointed in 1988, the terms of two long-time Commission members came to an end, and two Commission members were re-appointed for further five-year terms, bringing the total number of Commissioners to five.

When announcing the re-appointments and two new appointments in September 1988, Justice Minister Bob Andrew said the re-appointments of Ron Kruzeniski and Jan Kernaghan "will maintain the experience and judgment with which the Commission has operated in the past." The new appointments of Ken Mah and Isabelle Impey "will ensure that the multicultural dimensions of this province will be adequately represented."

The third new member, Phyllis Unrau, was appointed in January 1988. At that time, Chief Commissioner Ron Kruzeniski said: "I anticipate her background and experience will provide valuable assistance in the future work of the Commission."

The terms of Helen Hnatyshyn and Kayla Hock ended in January 1988. Hnatyshyn had been a commission member since 1972 and Hock since 1978.

Commission members are appointed by the Lieutenant Governor in Council for a five-year term, which may be be extended for a further five years. Working part-time, the Commissioners attend monthly meetings where they set policy, approve settlements, review complaints, decide whether complaints should go to a board of inquiry, and consider applications for affirmative action programs and exemptions.

In addition, the Commissioners further public education by providing information about *The Saskatchewan Human Rights Code* and the principles upon which it is based.

The Commission employs a professional staff located in offices in Saskatoon and Regina to carry on the daily work of the Commission and to fullfil the mandate of the *Code*.

Commission members are:

Ronald J. Kruzeniski, Chief Commissioner

Kruzeniski has been Chief Commissioner since 1983. He received his Bachelor of Administration in 1969 and his Bachelor of Laws in 1972 and in 1983 was appointed Queen's Counsel (Q.C.). He is a partner in the firm of Alexander, Kruzeniski, Goudie and McLaren. In addition to his professional responsibilities, he is chairperson of the Regina Separate School Board, vice-president of the Canadian Cancer Society, Saskatchewan Division, and chairman of the parish council of Christ the King church.

Jan Kernaghan

Kernaghan received her Bachelor of Laws in 1978. She is practicing law in Prince Albert and is currently with the firm of Sanderson and Wilkinson. She has been president of the Prince Albert Business and Professional Women's Club and secretary-treasurer of the Prince Albert Sexual Assault Centre Inc. She is also a member of the Public Legal Education Association (PLEA), Women and Law, and the National Action Committee on the Status of Women.

Phyllis Unrau

Unrau is a businesswoman who shares responsibilities for the family insurance business with her husband. A long-time resident of Martensville, she has several years of involvement in community and church organizations. She is a member of the Mennonite Church and has been active in several church committees, has been community liaison for the Saskatoon Community College, has been involved in the local Home and School Association, is a member of the Chamber of Commerce and has served on its executive.

Isabelle Impey

Impey is superintendent of student services for the Prince Albert District Chiefs Council Indian Student Education Centre. She is an active volunteer in the native community and is a member of the Association of West Central Native Women and the Prince Albert Indian-Metis Friendship Centre. Another of Impey's current interests is Iskew, a support group for women who, at one time in their lives, have suffered from family violence, and at the present time assists the executive director in an advisory capacity. She was also actively involved in the implementation and

operation of Prince Albert's Interval House, a transition house for battered women, where she served as a management committee member for four years.

Ken Mah

Mah is vice-chairman of the board of directors of Sinotek International (1986) Inc. and prior to that was owner and manager of Wascana Grocery in Regina. He is active in the community and has been a member of the Regina Multi-culturalism Council for 12 years. He was a founding member of the Chinese Cultural Association of Saskatchewan and was the organization's first president. He has also been a strong supporter of the Chinese Pavilion at Mosaic for 12 years, and was the Pavilion's ambassador for two years. He is a founding member of the Chinese Canadian National Council (CCNC), a national organization whose purpose is to promote equality for Chinese Canadians.

The Mandate of the Commission

The Saskatchewan Human Rights Commission is a law enforcement agency responsible for the administration of *The Saskatchewan Human Rights Code*.

The purpose of the *Code* is to:

(a) promote recognition of the inherent dignity and the equal inalienable rights of the human family; and

(b) further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

These objects are derived from the Universal Declaration of Human Rights adopted by the general assembly of the United Nations in 1948.

One of the ways these goals are pursued is through the protection of certain human rights by law. Under *The Saskatchewan Human Rights Code,* protected rights fall into two categories – fundamental freedoms and equality rights.

Fundamental Freedoms:

- freedom of conscience
- freedom of religion
- freedom of expression
- freedom of association
- the right to vote in provincial elections

Equality Rights:
There must be no discrimination in housing, employment, public services, education, contracts and publications on the basis of:

- race or color
- creed or religion
- nationality, ancestry or place of origin
- sex (including sexual harassment)
- marital status
- physical disability
- age

The *Code* gives the Saskatchewan Human Rights Commission the authority to:

- investigate and settle complaints of discrimination
- to carry complaints before boards of inquiry
- to approve or order affirmative action programs
- to grant exemptions from certain provisions of the *Code*
- to make regulations subject to the approval of the Lieutenant Governor in Council
- to carry out research and educational programs that will advance the principles of equality and eliminate discriminatory practices.

Investigations Division

A person who believes he or she has been discriminated against contrary to the provisions of *The Saskatchewan Human Rights Code* may complain to the Commission. A third party or the Commission itself may also initiate a complaint.

The staff of the investigations unit is responsible for receiving and investigating complaints. The first step in an investigation is an initial inquiry to determine if the complaint falls within the jurisdiction of the *Code* and if reasonable grounds exist to believe the *Code* was violated.

If those standards are met, a complete investigation will be conducted to determine if there is enough evidence to support the complaint. Staff in the investigations unit have the authority to interview people who may have information about a complaint. They can also examine relevant records and documents, including employment records.

If the investigation does not substantiate the allegation, the complaint is dismissed. Where the evidence gathered by the investigations unit does support the claim, an attempt is made to negotiate a settlement between the parties.

If a settlement cannot be negotiated, the matter is referred to the commissioners who may then direct that a board of inquiry be appointed. Boards of inquiry are independent tribunals appointed by the Minister of Justice, to hear evidence into the complaint. (See accompanying complaint procedure chart.)

Categories of Complaints

The Saskatchewan Human Rights Commission had a total of 354 complaints under investigation in 1988; 229 of those were complaints received during 1988, with 125 carried forward from the previous year.

The number of complaints received during 1988 (229) was similar to the number of complaints received during the previous year (239). There was a dramatic difference, however, in the number of complaints carried forward; in 1987, 282 complaint files were brought forward from the previous year; in 1988, only 125 complaint files were brought forward from the previous year.

This change reflects a push by the Commission in 1987 to clear the large backlog of cases that had accumulated over the years and to concentrate in 1988 on managing the new cases coming in as efficiently as possible.

At the end of 1988, the average length of time required to complete an investigation was 14.2 months. Investigators were managing a caseload in the mid-twenties, compared to a caseload in 1986 of close to 80.

Procedural changes implemented in 1986 and 1987 plus the use of six temporary investigators played a part in clearing up the backlog of cases. Another important factor was the hard work and commitment of the permanent staff in the investigations unit.

In 1988 stringent measures were taken to ensure that complaints remained current. Intake Officers were required to draft formal complaint forms within 30 days, unless there were extenuating circumstances. Investigating Officers diarized each file every three weeks so that no unreasonable delays occurred. Regular file audits were conducted by the Chief Human Rights Officer to ensure that these procedures were being followed.

When files move beyond the investigative stage and into the settlement process, efforts continued to be made to expedite the matter as quickly as possible.

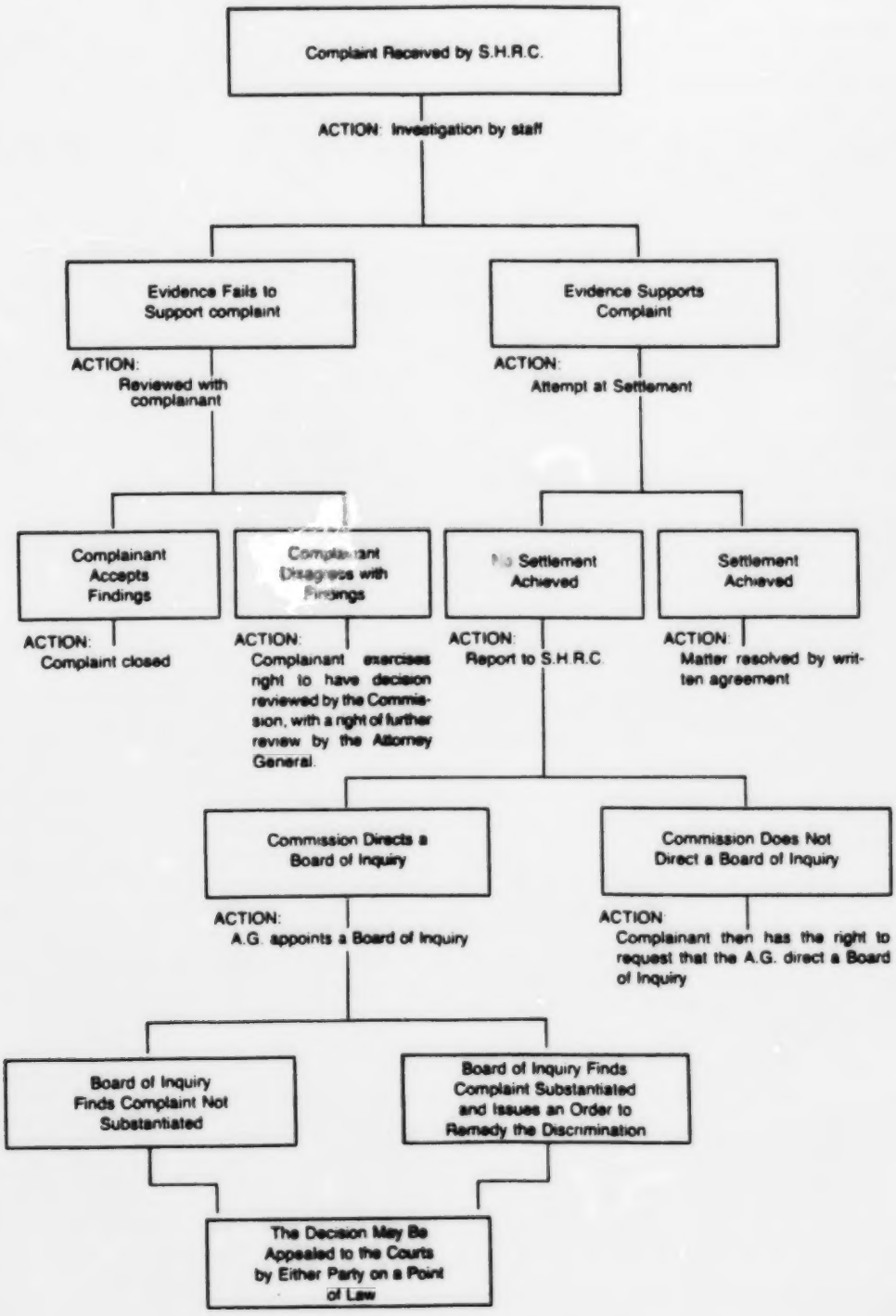
At the end of 1988, there were 94 cases in this later stage of the process – that is, cases in settlement, at a board of inquiry level, or cases that had been appealed to the courts.

Statistical breakdown

Approximately 55 percent of the complaints filed in 1988 were in the area of employment, 22 percent were in the area of public services, and five percent in the area of housing.

Discrimination on the basis of sex accounted for 25 percent of the complaints received by the Commission in 1988, and of those, 7 percent were complaints of sexual harassment. Discrimination on the basis of physical disability constituted 21 percent of complaints received in 1988.

The Complaint Procedure


Complaint Received by S.H.R.C.
ACTION: Investigation by staff
Evidence Fails to Support complaint
Evidence Supports Complaint
ACTION: Reviewed with complainant
ACTION: Attempt at Settlement
Complainant Accepts Findings
Complainant Disagrees with Findings
No Settlement Achieved
Settlement Achieved
ACTION: Complaint closed
ACTION: Complainant exercises right to have decision reviewed by the Commission, with a right of further review by the Attorney General.
ACTION: Report to S.H.R.C.
ACTION: Matter resolved by written agreement
Commission Directs a Board of Inquiry
Commission Does Not Direct a Board of Inquiry
ACTION: A.G. appoints a Board of Inquiry
ACTION: Complainant then has the right to request that the A.G. direct a Board of Inquiry
Board of Inquiry Finds Complaint Not Substantiated
Board of Inquiry Finds Complaint Substantiated and Issues an Order to Remedy the Discrimination
The Decision May Be Appealed to the Courts by Either Party on a Point of Law

Complaints on the basis of race, color, ancestry or nationality accounted for a further 21 percent of the Commission's complaints. Half of those complaints related to Indian ancestry.

Thirteen percent of the complaints received related to marital status.

The bulk of complaints based on sex, sexual harassment, and physical disability were in the area of employment. People of Indian ancestry who complained of discrimination most often had difficulty in the area of public services, with some problems in housing and employment. People from other ethnic backgrounds most often had difficulty in employment.

For additional information, see tables of statistics at the end of the report.

Settlements & Tribunals

Settlements

If the Commission concludes, after an investigation, that evidence supports a complaint of discrimination, an attempt is made to reach a settlement between the two parties.

The terms of the settlement are intended to compensate the complainant for any damages suffered as a result of the alleged discriminatory treatment. All parties and the Commission must agree to the settlement, which is binding.

Settlements could include such terms as an apology, compensation for lost wages or other expenses, and payment for humiliation suffered and loss of self-respect. The respondent might also agree to change his or her discriminatory behaviour in the future.

Following are examples of a few of the complaints settled by the Commission in 1988.

Example - Physical Disability

As part of a settlement, a new licence issuing policy was put into place allowing deaf people to operate heavy commercial trucks and semi-trailer units.

In 1982 Philip DeBusschere of Saskatoon complained to the Commission that he was not able to get a Class 1 driver's licence necessary to drive heavy trucks, because he was deaf. He was told he could not have the licence for reasons of traffic safety.

After investigation, the Commission determined that the research available is inconclusive and does not establish that deaf drivers pose any greater safety hazard than other drivers.

The Saskatchewan Auto Fund has agreed to change its policy to allow deaf people to drive all vehicles except buses, taxis and, unless special arrangements are made, vehicles carrying dangerous goods. In addition, SAF paid DeBusschere $1,000 damages for any losses he may have incurred as a result of not having a Class 1 licence in 1986.

Example – Race

Parkland Native Outreach of Yorkton has settled a complaint filed with the Saskatchewan Human Rights Commission in 1984, in which the organization said it was discriminated against when it tried to rent property in Yorkton from Karl and Olivine Serfas.

The single term of settlement was that Mr. and Mrs. Serfas apologize to the native organization, which assists native people in the area to find employment. The apology was placed in Yorkton newspapers.

Parkland Native Outreach said it had made repeated attempts to rent from Mr. and Mrs. Serfas, but was told others were ahead of it in line even though the property remained vacant for several months. The Serfases said there had been no intent to discriminate.

Example – Sex Discrimination

SaskTel agreed to pay a North Battleford woman $2,850 in compensation to settle a complaint that she was bypassed for promotion while on maternity leave.

Lorraine Metz, a telephone operator in North Battleford, told the Commission that she had been bypassed for an available position of service representative even though she was the most senior qualified applicant.

After negotiation between the parties and with the approval of the union, SaskTel agreed, without admission of liability, to move Metz to the first available service representative position in North Battleford, to pay her $2,850 in compensation, and to pay her at the service representative rate.

SaskTel also agreed to issue a statement to all personnel officers reminding them that it is the company's policy to accommodate all pregnant employees and those on maternity leave.

Example – Age

The Saskatchewan Transportation Company (STC) agreed in settlement to ensure that preference will not be given to job applicants of any particular age.

The matter was brought to the Commission's attention by Elliot Wilson of Saskatoon, who had applied to be a driver. Wilson was 20 years old at the time of his application.

An investigation conducted by the Commission revealed that some officers of STC had an informal policy, when hiring drivers, of giving preference to applicants between the ages of 24 and 34.

STC also agreed to distribute, to all supervisory personnel, a policy statement making it clear that it is contrary to the *Code* to make any inquiries about a person's age, or to express any preference for a particular age group.

Example – Sexual Harassment

Six women who complained to the Saskatchewan Human Rights Commission about sexual harassment when they worked at a nursing home in a major urban area have agreed to settle their complaints, with compensation ranging from $3,000 to $1,750 each. Together the settlements total $12,000. The employer agreed to settlement without admission of liability.

The women told the Commission that the manager of the nursing home would touch them repeatedly, would attempt to kiss or hug them, and would make comments of a sexual nature. The alleged incidents took place between 1983 and 1986.

Four of the women also said that when they objected to the harassment, the manager retaliated by reducing the number of hours that they worked. Three of the women subsequently resigned.

Example – Accessibility

A complaint that some of the services at the University of Regina are not accessible to students who rely on wheelchairs for mobility has been settled with the University agreeing to improve the situation for disabled students.

The complaint was made by the University of Regina Students Union and the Voice of the Handicapped. Particular reference was made to inaccessibility on the old campus, also known as the College Avenue Campus, home of the fine arts faculty.

The agreement was intended to assist the university to move toward complete accessibility as quickly as possible, and in addition, to make the best provisions for disabled students it could in existing facilities.

The major terms of the agreement are:

- All new buildings and major renovations shall be completely accessible.
- Interim measures to make the College Building and the Fine Arts Building on the College Avenue Campus accessible include:
  - a ramped entrance to each building;
  - ramping or leveling of all internal changes in floor level on the first floor of each building;
  - accessible washrooms on the first floor of each building;
  - readiness to move classes from upper floors of old campus buildings to accessible locations, upon request, providing it is possible to do so;
  - classes that can not easily be relocated (because equipment must be moved, for example) will now be placed on the first floor, unless such a move would constitute undue hardship.
- The University will set aside a portion of the university's yearly budget for renovations and repairs that will make buildings and grounds more accessible.
- Students who are disabled will be informed of services available to them by letter and in the university calendar. They will also be asked to register with the Disabled Students Adviser.

Boards of Inquiry

If the parties involved in a complaint can't negotiate a settlement, the Commission will ask the Minister of Justice to appoint a board of inquiry. A board, which is independent of the Commission, will consist of one or more persons. Its function is to hear evidence from the parties and to decide, on the basis of that evidence, whether the *Code* has been violated. If a violation has taken place, the board determines what damages should be awarded.

Ten boards of inquiry were conducted in 1988, dealing with 17 complaints. An additional board did not proceed when the parties agreed to settle.

Heidt v. City of Saskatoon Civic Employees, Local 59

A one-person board of inquiry decided there was no age discrimination in the case of James Heidt, a former employee of the City of Saskatoon. Heidt had complained to the Commission in 1987 that his employer denied him sick leave benefits to which younger employees were entitled.

At the hearing on May 2, the City agreed the Sick Leave Bank provided more benefits for employees under 55 than for those over 55. But the City argued that even though they treated older employees differently, there were not contravening human rights law because the City's Sick Leave Bank could be considered a *bona fide* group or employee insurance plan. Such *bona fide* plans are exempt from those provisions of the *Code* that prohibit discrimination in employment.

In its decision handed down September 29, the board agreed that the City's Sick Leave Bank was a *bona fide* employee insurance plan. The Commission appealed the decision to the Court of Queen's Bench. For further information on that decision, see the following section.

Burridge v Nick Katsiris and Beef-Eaters Restaurant Ltd.

A waitress formerly employed at the Cage Restaurant in Saskatoon told a board of inquiry on December 5 that employer Nick Katsiris had slapped her on the buttocks and had put his hand under her shirt and touched her on the back while she worked there as a waitress.

Judy Burridge told the board she quit after five weeks because she could no longer tolerate the sexual harassment.

Katsiris disputed Burridge's allegations and denied he had improper motives any time he may have had physical contact with her.

Saskatoon lawyer Randy Katzman, the one-person board, reserved his decision.

Mack and Pelletier v. Bukovina Restaurant

Two separate complaints, both alleging discrimination in the hiring process against the Bukovina Ukrainian Restaurant in Regina, were heard by a board of inquiry November 28.

In a decision handed down on January 20, 1989 by the one-person board – Douglas Andrew, a Regina lawyer – there was found to be discrimination in one case but not the other.

The board said the co-owner of the restaurant, Wasyl Marivtsan, discriminated on the basis of race when he refused to consider the application for employment of a man of Indian ancestry.

The board said it accepted the evidence it heard from the complainant, Glen Pelletier of Regina. Pelletier said that when he applied for an advertised job as dishwasher at the restaurant in April 1985 he was told by Marivtsan that the job had already been filled.

At Pelletier's request, a friend who was not of Indian ancestry applied immediately after and was offered the job. Pelletier then complained to the Commission.

The board awarded Pelletier $750 to compensate him for humiliation and loss of self-respect.

The second complaint against the restaurant – this one alleging discrimination related to pregnancy – was found by the same board not to be justified.

Co-owner Maria Marivtsan admitted she had refused to hire Theresa Mack because she was pregnant, but said the only reason she had done so was because she believed a woman in the latter stages of pregnancy would not be able to do the job, which included heavy carrying and cleaning duties. Mack was five-and-a-half months pregnant when she applied for work.

The board agreed there was the potential that Mack, because of her pregnancy, would not have the physical ability required by the job and that Marivtsan believed it to be so. The board said the restaurant, in this particular case, was therefore exempt from the *Code's* requirement that employers not discriminate on the basis of sex.

The Commission will be appealing that decision to the Court of Queen's Bench.

Ross v. Gendall

A board of inquiry has awarded a Prince Albert woman $1,500 in compensation for sexual harassment that took place during a job interview at a North Battleford travel agency.

The board awarded compensation to Michielle Ross for humiliation and loss of self-respect, saying there had been a "wholly inappropriate attempt" by Ed Gendall of Gateway Travel Service "to seduce a naive young woman". Ross was 18 years old at the time of the incident.

The board in its decision handed down November 23, said that there had been unsolicited physical contact and propositioning, and that Ross had been seriously affected emotionally by the incident.

Rother v. Evergreen Services Ltd.

On June 27 a board of inquiry heard evidence in the complaint of Janice Rother of Saskatoon, who alleged she was sexually harassed by her supervisor and a fellow employee when she was working for Evergreen Services, a Vancouver company with a catering contract in Dundurn.

Rother told the board she quit her job after a few weeks because she could no longer tolerate the frequent incidents of harassment. Evergreen Services did not appear before the board.

The board has not yet handed down a decision.

Canning and McConnell v. MacMillan Bloedel (Saskatchewan) Ltd.

A board of inquiry heard evidence October 24 to 28 and January 23 to 25 into two complaints of discrimination on the basis of sex against MacMillan Bloedel in Hudson Bay. A decision is anticipated in 1989.

Myrna McConnell of Nipawin and Gloria Canning of Hudson Bay, both of whom at one time worked in the MacMillan Bloedel woodmill, alleged that when re-hiring was being done after a general layoff in 1981, they were not re-hired even though men with the same or less seniority were called back.

The evidence was heard by a three-person board, consisting of Randy Katzman of Saskatoon, Marjorie Childerhose of Outlook, and Bonnie-Lynn Holtby of Marshall.

Redman v. Hubbard Hotel

A man of Indian ancestry who was denied service at the Hubbard Hotel because of his race has been awarded $200 by an independent board of inquiry appointed under *The Saskatchewan Human Rights Code* by the provincial justice minister.

William Johnston of Regina, acting as a one-person board, found there was sufficient evidence to indicate David Redman had been denied service in the beverage room of the Hubbard Hotel in the town of Hubbard, contrary to *The Saskatchewan Human Rights Code*. Redman testified that on December 10, 1984 a waitress told him he couldn't have a beer because he was native.

In his decision, dated May 25, 1988, Johnston said he believed that the hotel has served both white people and those of Indian ancestry prior to that date, and since. "However, they failed to do so on December 10, 1984."

In addition to the payment of $200 in compensation for the loss of self-respect, the Curtises were ordered to confirm, to all of their employees in writing, that there shall be no discrimination in the beverage room of the hotel.

Rodin v. Jack's Motor Hotel

A woman who complained about sexual harassment at Jack's Motor Hotel in Maple Creek, Saskatchewan has been awarded compensation of $2,600 by a board of inquiry.

Waitress Donna Rodin of Maple Creek complained to the Commission in February 1987 that she had been sexually harassed by her employer Jack Herman, who was also owner of the hotel, and that she had been fired because she refused to comply with his demands for sexual favours.

Swift Current lawyer, Jakob Wiebe, the one-person board appointed by the justice minister to hear the evidence, said in his ruling handed down August 31 that Rodin had suffered verbal and physical harassment of a "degree of persistence" that made the workplace very uncomfortable. In addition, he found that her refusal to comply with her boss's sexual demands was the main reason she was fired.

At the board of inquiry hearing in Swift Current in March 1988, Herman denied any of the incidents took place but Wiebe said that in a test of credibility he had no difficulty in concluding that the version put forward by Rodin was the correct one.

The award gave Rodin $1,000 in compensation for humiliation and loss of self-respect and $1,600 for loss of wages.

Bauer, Hrynkiw and Stokalko v. Papouches and Crossroads Family Restaurant

Three women who complained about sexual harassment at the Crossroads Family Restaurant during the summer of 1986 when they worked there as waitresses were awarded compensation totalling $7,140 by a board of inquiry.

The board found that Debra Bauer, Melanie Hrynkiw and Kelly Stokalko had been sexually harassed by John Papouches, co-owner of the restaurant.

In a decision handed down March 24, 1988 the board ruled that the women had been subjected to repeated verbal comments of a sexual nature which created a hostile and offensive work environment.

Bauer was awarded $3,900, Hrynkiw was awarded $1,740 and Stokalko was awarded $1,500.

Larivlere et al v. Zaboysky and Nickel Hotel Ltd.

The board of inquiry hearing evidence in complaints of sexual harassment made by four women who worked at the Winston Hotel in Moose Jaw was adjourned April 13 until further notice.

The four women allege that their former employer, Nick Zaboysky, sexually harassed them physically and verbally when they were employed as waitresses at the hotel.

Zaboysky's lawyers asked to have the complaints dismissed because of the length of time which had elapsed between the filing of the complaint and the establishment of the board. The complaints were filed with the Commission in 1985 and 1986.

The one-person board, Kenneth Cornea of Moose Jaw, asked for written argument on the issue from all parties, for his consideration. He has not yet handed down a decision on the application for dismissal.

Court Decisions

Decisions of a board of inquiry may be appealed to the court by any party to a complaint. In 1988, two court decisions were handed down and decisions are pending on others.

Chambers v. Saskatchewan Social Services

In June 1988 the Saskatchewan Court of Appeal ruled that Murray Chambers was discriminated against by the province's welfare system and it instructed the government to rectify its mistake.

The exact amount that will be paid to the Saskatoon welfare recipient will be decided by the board of inquiry that first heard the complaint.

In July the government paid Chambers $632.50 to compensate him for the amount he had been underpaid over a three-year period. The question of how much he should be awarded in compensation for embarrassment and loss of self-respect went back to the original board for determination on December 16. The board has yet to make its ruling.

The board must also decide whether it has the jurisdiction to award compensation to others in Chambers situation who had also been underpaid and, if so,what that compensation would be.

In April 1985 Chambers complained to the Saskatchewan Human Rights Commission that he was being discriminated against because he was single. *The Saskatchewan Human Rights Code* prohibits discrimination in the provision of services to the public on the basis of marital status.

Under the province's welfare scheme, as it was then set up, people categorized as single employables received less money than married employables. Single employables received a basic allowance of $123 a month, while a childless married couple received $178 a month each, a difference of $55 (44.7 percent).

A board of inquiry was held in December 1986. The government argued the province's welfare scheme didn't come under provincial human rights legislation because it wasn't a service "customarily admitted or offered to the public" but only to a limited category of the public, in this case, people in need.

The board of inquiry agreed and the Court of Queen's

Bench said its decision should stand. The Court of Appeal said no. The province's welfare scheme was a service offered to the public, the court said, and therefore discrimination on the basis of marital status wasn't allowed.

The judgment said that even though only some members of the public take advantage of a government service, it can still be defined as a public service. Only rarely will government services apply to all citizens equally. Instead, you have to look at whether they are offered on an equal basis, the appeal court said.

"Health services, for example, are provided to persons who demonstrate their eligibility, based upon residency, and who can demonstrate a health problem."

The fact that there are eligibility criteria and application forms should not be interpreted as a restriction of a service to the public, the judgment said. Rather, eligibility criteria are there to ensure the impartial and universal application of a service.

"The provision of financial assistance under the Saskatchewan Assistance Plan is no different from any other government service. It is offered to the public, but not all members of the public will qualify."

Heidt v. City of Saskatoon and Civil Unions

The Saskatchewan Human Rights Commission will appeal a decision handed down December 20, 1988 by Mr. Justice Matheson of the Court of Queen's Bench in which it was held the City of Saskatoon did not discriminate against James Heidt when it denied him sick leave benefits to which younger employees were entitled.

Heidt had been employed by the City of Saskatoon for 16 years as a seasonal employee when he fell ill with cancer. He received benefits under the employer's Sick Leave Bank,but was cut off after three years because he was over the age of 55.

The impact of that provision was particularly significant for Heidt – permanent employees are eligible to receive a pension at the age of 55; seasonal employees are not.

He complained to the Saskatchewan Human Rights Commission in 1987 that he was being discriminated against because of his age.

Mr. Justice Matheson said, however, there was no discrimination, agreeing with an earlier board of inquiry decision. He said the City's Sick Leave Bank did not come under *The Saskatchewan Human Rights Code* because it was a *bona fide* employee insurance scheme and as such was exempted from the *Code*. The *Code* specifies that any *bona fide* retirement, superannuation or pension plan may apply the terms of those plans differently for people of different ages.

The Commission agreed that the intention of the City and the Union in providing a long-term disability plan for employees was *bona fide* – that is, they acted honestly and in good faith. However, the Commission argued that even though the intention of the city and union in setting up a plan was *bona fide*, the actual operation of the plan was not *bona fide* because it made unfair distinctions based on age that were not necessary for the plan to operate effectively.

The Court disagreed. It said that if a group or insurance plan as a whole is *bona fide* – meaning that it was set up honestly and in good faith – then all of the terms of the plan are exempt from the *Code* and do not have to be assessed further.

Rodin v. Herman and Jack's Motor Hotel

A board of inquiry decision awarding a Maple Creek woman $2,600 in compensation for sexual harassment has been appealed by Jack Herman, her former employer.

The board, in its decision handed down August 31, said Donna Rodin was sexually harassed by her boss, Jack Herman, when she worked at Jack's Motor Hotel in Maple Creek as a waitress. She told the board she had been fired because she refused to comply with his demands for sexual favours.

The appeal was heard November 29 at the Court of Queen's Bench in Swift Current. The Court did not hand down its decision in 1988.

Hoffer v. Havemann et al; Engineering Students Society Inc. et al. (The Red Eye)

(Although the decision in this case was handed down three weeks after the end of the year, we have provided this summary in the 1988 annual report because of the importance of the case and the high level of interest in it.)

The Saskatchewan Court of Appeal found that two editions of the Red Eye published by the Engineering Students Society that were the subject of a complaint to the Saskatchewan Human Rights Commission did not contravene Saskatchewan human rights law. The 1984 board of inquiry that found there had been a contravention of *The Saskatchewan Human Rights Code* erred in law, the Appeal court said.

Section 14 of the *Code* prohibits publication of any notice, sign, symbol, emblem or other representation that attacks the dignity of people or that tends to expose them to hatred or ridicule because of, among other things, their sex. The Court of Appeal said the phrase "other representation" does not include written articles.

Justice Cameron, who wrote the majority opinion, said "that the impugned content of the two editions constitutes an affront to the dignity of women is clear, but whether its publication in whole or in part offends Section 14 of the *Code* is another."

But Mr. Justice Vancise, in a dissenting opinion, said that if Section 14 can't be used to regulate a newspaper article or an editorial, then the broad social purpose of the *Code* will be seriously impaired, if not defeated."

The majority opinion, however, said that Section 14 applied only to the display or publication of notices, signs, symbols and so on, and not to written articles. "It is not for us to say why the legislature chose to limit the scope of the section, but limit it it did, and we must respect that."

The Commission will ask the Supreme Court of Canada for leave to appeal.

The Saskatchewan Human Rights Commission and Roy Day v. The City of Moose Jaw and the Moose Jaw Firefighters Association

The Saskatchewan Human Rights Commission and Len Craig v. The City of Saskatoon and the Saskatoon Professional Firefighters Union

The Cities of Saskatoon and Moose Jaw and the Unions were granted leave to appeal this case to the Supreme Court late in 1987. The date for argument was set for February, 1989.

The appeal is from a decision of the Saskatchewan Court of Appeal handed down in June, 1987. The court held that forced early retirement for firefighters is contrary to the province's human rights legislation.

Two firefighters who had been forced to retire before they reached age 65 complained to the Human Rights Commission that they had been discriminated against.

The Saskatchewan Human Rights Code says that discrimination in employment on the basis of age is not allowed between 18 and 64 years.

One employee required firefighters to retire at age 60; the other at age 62.

The issue was one of safety. Could it be determined which firefighters over the age of 59 were still fit to do the job? The Court of Appeal said yes, it was possible, through testing, to determine which firefighters were physically fit, and because it was possible to make that determination it wasn't fair to say that all older workers must retire, whether they were physically fit or not.

The Court looked closely at the wording of the *Human Rights Code* in coming to its determination.

It looked, in particular, at the word "exclusively" in the definition of "reasonable occupational qualification", which states it may be necessary to hire individuals of a particular age exclusively in order that the duties of a job can be performed safely.

The judgment said: "In any occupational group there is, as has been noted, often much variation in work capacity and fitness between the different individuals in the groups, irrespective of the ages of the individuals.

It goes on to point out that to meet the standard of exclusivity, employers must prove that only people in the age group up to 60 (and no one else) are fit to perform that job safely. This, the judgment notes, would be a virtually impossible task.

The judgment also zeroed in on the word "reasonable" in the phrase "reasonable occupational qualification". It asked how an occupational qualification could be reasonable if there are legitimate alternative means (such as testing) for finding out which people are at risk of employment failure without resorting to age discrimination.

Gus Kodellas and Tripolis Foods Ltd. v. The Saskatchewan Human Rights Commission, Barbara Wahn and Elizabeth Glute (Court of Appeal)

The Court of Appeal has not yet handed down its decision on this case. Argument was heard in November 1987 in the appeal from a Queen's Bench decision prohibiting a board of inquiry from taking further proceedings into two sexual harassment complaints.

Complaints from Barbara Wahn and Elizabeth Glute alleged that they had been sexually harassed by their employer Gus Kodellas, and each filed a complaint with the Saskatchewan Human Rights Commission, one in 1982 and the other in 1983.

The Court of Queen's Bench ruled that the lengthy period of time which had elapsed between the filing of the complaints and the establishment of a board of inquiry in 1986 violated the rights of Kodellas guaranteed to him by the *Charter of Rights and Freedoms.*

Affirmative Action

Affirmative action is designed to fight discrimination in the workplace and in schools.

It is a response to a kind of discrimination that is particularly hard to eliminate because it has become part of the way society is structured. That kind of discrimination is called systemic discrimination.

In Saskatchewan, affirmative action programs are developed in conjunction with the Saskatchewan Human Rights Commission, and upon completion, are approved by the Commission.

Affirmative action is a commitment to alter the policies, practices and procedures of institutions so that members of the target groups (those underrepresented in the workplace and educational institutions) have an equal opportunity to succeed.

In Saskatchewan the target groups are women, people of Indian ancestry, and people with physical disabilities.

Affirmative action is based on the belief that some groups have historically been disadvantaged in the workplace and in educational institutions and the effects of those discriminatory practices are still being felt today. It is anticipated that affirmative action programs will help to redress imbalances that still exist in the workplace and in schools.

The Saskatchewan Human Rights Code provides four ways to implement affirmative action programs:

1. The Commission may approve a voluntary program (Section 47);
2. The Commission may order that a program be put into place (Section 47);
3. A board of inquiry may order a program as a remedy where there is evidence of discrimination (Section 31(7)(a);
4. An affirmative action program may be introduced in settlement of a complaint.

Approval of a program provides the applicant with legal protection for any preferential measures which may be undertaken. With the proclamation of Section 15(2) of *The Canadian Charter of Rights and Freedoms,* on April 17, 1985, additional constitutional protection for affirmative action programs came into place.

Employment and Training Programs

Affirmative action programs in the workplace continue to grow.

The Government of Saskatchewan's affirmative action plan (they refer to it as an Employment Equity plan) now covers 97 percent of all government employees.

In November 1988, the Commission granted interim approval to the second stage of the government plan, which covers permanent and non-permanent union positions. The first stage of the plan, approved in 1987, covered non-union management and professional positions.

Both plans are intended to ensure equal access to employment with the public service to three target groups: women, aboriginal people and people with physical disabilities.

While women comprise 48.6 percent of the provincial government's total workforce, they occupy only 23.1 percent of all managerial and professional positions. There are even fewer women in upper level management positions - 13.5 percent.

While the Commission estimates that 9.6 percent of the population is of aboriginal ancestry, only 4.5 percent of 12,493 public service positions are held by aboriginal people.

Proportionally, people with physical disabilities are in an even more inequitable situation. While 7.1 percent of the provincial population has a physical disability, less than one percent of public service employees are identified as having a physical disability.

The interim program contains a number of special measures which will help increase the workforce representation of the three target groups.

One of the province's major educational institutions – the College of Arts and Sciences at the University of Saskatchewan – put an affirmative action plan for students in place in 1988.

The plan addressed the underrepresentation of students of Indian ancestry in the College. Data collected by the College indicated approximately 2.3 percent of its student body was of Indian ancestry,

while at least 9.6 percent of Saskatchewan's population is of Indian ancestry.

The plan contains measures that will make the College more accessible to Indian and Metis students. For example, the quota that restricts the number of first-year students in the College of Arts and Science does not apply to Indian and Metis students. Another special measure is to provide personal and spiritual counselling for students of Indian ancestry that makes use of Indian Elders.

At the end of 1988 there were nine employment and six training and education plans in effect. Some of these programs have been in place since 1980. In addition, the Commission was working on several new affirmative action plans with employers and educational institutions. For additional information, see accompanying chart.

Monitoring Reports

In addition to approving affirmative action programs, the Saskatchewan Human Rights Commission is responsible for monitoring programs that have already been approved.

On June 15, 1988 the Commission held public hearings, at which time it received annual reports from 16 organizations. The reports detailed both the progress and problems encountered in the implementation of the institutions' affirmative action programs.

Commissioner Ron Kruzeniski expressed disappointment with the progress of some of the employment affirmative action plans which had been in effect for three years or more, although one long-term plan – the Co-operators of Regina, an insurance and data services company – received praise.

One of the companies that came in for criticism – Saskoil (Saskatchewan Oil and Gas Corp.) – told the Commission after the monitoring hearings that it no longer wished to be part of the Commission's affirmative action program. Its withdrawal was the first in the history of the Commission's involvement in affirmative action.

In Saskatchewan, affirmative action programs are developed in conjunction with the Commission and, upon completion, are approved by the Commission and are monitored on a continuing basis.

When the Commission reviewed Saskoil's plan, it found that virtually no affirmative action activities were taking place. Statistics indicated there were no more people in the three target groups – women in management, people of Indian ancestry, and those who are physically disabled – than there had been at the inception of the plan in 1982.

The public hearing in June was the first reporting period for the first phase of the Government of Saskatchewan's plan, and the plans of the City of Saskatoon and the City of Regina. The Commission found their efforts and results satisfactory.

Training and education institutions were also reviewed. Two plans were discontinued by the Commission at the institutions' request because the courses they referred to were no longer being offered. They were programs that assisted women who wanted to work in the construction industry.

Training and education programs in effect at the end of 1988 are set out in the accompanying chart.

Education Equity

Again in 1988, Education Equity continued to be a major focus of Commission activity. At the end of the year, 19 school boards were participating in Education Equity – a special program for schools that is designed to bring greater benefit to Indian and Metis children. Seventeen of those 19 boards have had their plans approved, and it is anticipated that the remaining two will have their plans approved early in 1989.

Research compiled by the Commission a few years ago indicated that the dropout rate for children of Indian ancestry was much higher than for other children. It seemed clear that Indian and Metis children were not benefiting from the education system in the same way other children do.

In an attempt to improve the situation for young people of Indian ancestry, Education Equity was put into action. The Commission invited school boards with a high proportion of Indian and Metis students in their schools – five percent or more – to develop an affirmative action plan that would make their schools more sensitive to the needs of that group.

It is a generalized plan of action that allows each school board to develop its own plan, with guidance from the Commission.

Each school board that develops a plan is asked to set goals for a ten-year period. The plans are then approved by the Commission and will be monitored by the Commission over the ten-year period the plans are in effect.

The boards that had Education Equity plans at the end of 1988 were: Balcarres, Biggar, Broadview, Cupar, Indian Head, Meadow Lake, North Battleford Catholic, North Battleford Public, Northern Lakes, Northern Lights, Prince Albert Comprehensive High School, Prince Albert Public, Regina Catholic, Saskatoon Catholic, Saskatoon Public, Wadena and Wilkie.

All of the Education Equity Plans set out specific initiatives that will be undertaken in each of the following areas:

- increasing the number of Indian and Metis teachers;
- reviewing school policies and procedures to make sure they are fair to people of Indian ancestry;
- providing cross-cultural training to all teachers;
- putting material in the curriculum that is relevant to Indian and Metis students;
- involving more Indian and Metis parents in the school system.

The 17 boards with Education Equity plans and the two boards whose plans are being processed have a total enrollment of approximately 74,700 students: 15.6 percent are students of Indian ancestry. Those boards employ approximately 4,100 teachers: 3.5 percent are of Indian ancestry.

If the 19 boards meet the goals they have set for themselves, in 10 years an additional 409 teachers of Indian ancestry will have been hired.

Most of the school boards in the province with a high proportion of Indian and Metis students (five percent or over) are now participating in Education Equity. The role of the Commission over the next few years will be to monitor the boards' plans and, if required, to assist them in meeting their goals.

Further assistance has been provided in the form of seminars, conducted in conjunction with various educational institutions.

The first seminar, organized by the Saskatchewan School Trustees Association, the Saskatchewan Teachers' Federation, the provincial Education Department and the Commission, was held in Saskatoon in March 1988.

Representatives from 16 boards attended this seminar, as well as representatives from NORTEP, SUNTEP, ITEP, Gabriel Dumont College, and Saskatchewan Indian Federated College.

While the main thrust of Education Equity has been to involve school boards with a high proportion of Indian and Metis students, the Commission would welcome participation in the program by schools with fewer students of Indian ancestry.

AFFIRMATIVE ACTION PROGRAMS IN SASKATCHEWAN

As of December 31st, 1988

Employment	Approval Date
Saskatchewan Human Rights Commission	January 16, 1980
Saskatchewan Telecommunications	October 29, 1982
Saskatchewan Government Insurance Corporation	February 16, 1984
Westbridge Computer Corporation	December 19, 1984
The Co-operators	August 15, 1985
City of Saskatoon	February 10, 1987
City of Regina	February 10, 1987
Government of Saskatchewan (out-of-scope)	June 16, 1987
Government of Saskatchewan (SGEU)	November 16, 1988

Training and Education	Approval Date
Gabriel Dumont Institute of Native Studies and Applied Research Saskatchewan Urban Native Teacher Education Program (SUNTEP)	August 5, 1980
Northern Teacher Education Program (NORTEP)	September 21, 1981
Gabriel Dumont Institute of Native Studies and Applied Research (Preparatory, Technical & University Programs)	September 16, 1983
Saskatchewan Institute of Applied Arts and Sciences, Wascana Campus	April 4, 1986
University of Saskatchewan, College of Arts and Sciences	February 23, 1988
Saskatchewan Institute of Applied Arts and Sciences, Technologies, Native Services Division	July 27, 1988

Education Equity	Approval Date
Saskatoon Catholic School Division No. 20	May 12, 1987
Indian Head School Division No. 19	June 30, 1987
Meadow Lake School Division No. 66	August 18, 1987
Northern Lakes School Division No. 64	August 18, 1987
Saskatoon Public School Division No. 13	August 18, 1987
Prince Albert Public School Division No. 3	September 8, 1987
Regina Catholic School Division No. 81	October 29, 1987
Wilkie School Division No. 59	December 8, 1987
Biggar School Division No. 50	December 8, 1987
North Battleford School Division No. 16	January 12, 1988
Cupar School Division No. 28	January 12, 1988
Prince Albert Comprehensive High School Board	January 12, 1988
Wadena School Division No. 46	May 18, 1988
Northern Lights School Division No. 113	September 9, 1988
North Battleford School Division No. 103	September 21, 1988
Balcarres School Division No. 87	September 21, 1988
Broadview School Division No. 18	November 16, 1988

Education Activities

It is the responsibility of the Saskatchewan Human Rights Commission to further equality and the recognition of human rights through research and education programs. Under Section 25 of the *Code* the Commission has a duty to:

a) Forward the principle that every person is free and equal in dignity and rights without regard to his race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin;

b) Promote an understanding and acceptance of, and compliance with, the *Code* ;

c) Develop and conduct educational programs designed to eliminate discriminatory practices related to race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place or origin;

d) Disseminate information and promote understanding of the legal rights of residents of the province and conduct educational programs in that respect;

e) Further the principle of equality of opportunities for persons, and equality in the exercise of the legal rights of persons regardless of their status;

f) Conduct and encourage research by persons and associations actively engaged in the field of promoting human rights;

g) Forward the principle of cultural diversities as a basic human right and fundamental human value.

The Commission's education unit meets its mandate by providing information about human rights issues, about *The Saskatchewan Human Rights Code*, and about the activities of the Commission. Information is provided to the public through printed material such as newsletters and pamphlets; through speaking engagements at meetings, conferences and workshops; and through contacts with the media.

In 1988 staff at the Regina and Saskatoon offices provided information about human rights through 96 educationals conducted at public meetings, schools, businesses and agencies.

In addition, the Commission sponsored, in conjunction with the Canadian Human Rights Commission, a public meeting in commemoration of the 40th anniversary of the Universal Declaration of Human Rights.

At that meeting in Regina on December 8, four experts in human rights assessed Canada's human rights record. They were: Maxwell Yalden, Chief Commissioner of the Canadian Human Rights Commission; Yvonne Peters, human rights activist; Verne Bellgarde, Chief of the Prairie Treaty Nations Alliance; and Terry Hunsley, executive director of the Canadian Council on Social Development. Ron Kruzeniski, Chief Commissioner of the Saskatchewan Human Rights Commission, chaired the session.

The education unit also organized two affirmative action public hearings and an education equity seminar.

The Commission also responded to a request for submissions from two provincial task forces in 1988. One was the Northern Education Task Force, whose function was to review primary, secondary and post-secondary education programs in the north and to recommend improvements. The Commission responded with an information brief about Education Equity. The Commission also responded to the Multiculturalism Task Force, whose function was to review all aspects of multiculturalism in Saskatchewan. The Commission made 19 recommendations to the task force.

Information was also provided to the public through the media; in 1988 Commissioners and staff had 182 personal contacts with the media, many resulting in stories in the province's newspapers, and on radio and television. In addition, numerous news releases were provided to the media during the course of the year.

Four newsletters were produced in 1988, pamphlets were updated, and a series of articles for weekly newspapers was produced. Information about International Human Rights Day was also provided to media, to all MLAs, and to public interest groups.

Three posters highlighting *The Saskatchewan Human Rights Code* and the functions of the Commission were printed in 1988, and distributed to every school in the province.

Another first for the Commission in 1988 was participating in the Prince Albert and North Battleford Exhibitions. Commission publications were made available at a display booth, human rights videos were shown, and staff was on hand to respond to questions from the public.

Another aspect of the education role of the Commission is providing information about the *Code* and other human rights issues to the hundreds of inquiries received by telephone, mail, and from visitors to the offices. In addition, thousands of pamphlets explaining the *Code* and the role of the Commission are provided to members of the public each year.

Information is also provided in the form of videos, which are available on a loan basis. "Doing What's Right" provides information about *The Saskatchewan Human Rights Code*; a resource guide for teachers, to be used in conjunction with the video,is also available. In 1988 copies of the video were distributed more than 80 times.

For a listing of other human rights videos that are available, see listing at the end of this report.

The office in Saskatoon also maintains a reference library on human rights issues that is open to the public during office hours. Books, periodicals, and newspaper clippings provide current background information.

Exemptions

Section 48 of *The Saskatchewan Human Rights Code* allows for an exemption from any provision of the *Code* "where any person or class of persons is entitled to an exemption ... under any provision of this Act" or where the Commission "considers (an exemption) necessary and advisable".

In 1988 the Commission considered 19 exemption applications. Eighteen of those applications were granted and one application was under consideration at the end of the year.

Exemptions in 1988 were granted from section 11 (accommodation), section 12 (public services), section 13 (education), section 16 (employment) and section 19 (pre-employment advertisements, job applications and job interviews) of *The Saskatchewan Human Rights Code* .

APPLICANT/DESCRIPTION OF APPLICATION	DATE REQUESTED	STATUS/APPROVAL DATE (CLASSES COVERED BY EXEMPTION)
NORTHWEST REGIONAL COLLEGE Admittance to **Pre-trades for Women Program** can be restricted to female students.	February 18, 1988	March 16, 1988 Exemption from sections 12 and 13 (sex)
CYPRESS HILLS COMMUNITY COLLEGE Admittance to **Computer Comfort Program** can be restricted to adults with severe physical disabilities	February 23, 1988	March 16, 1988 Exemption from section 13 (physical disability)
METIS ECONOMIC DEVELOPMENT FOUNDATION OF SASKATCHEWAN Preference can be given to Metis and Non-Status Indians in the provision of services	December 21, 1987	March 16, 1988 Exemption from sections 12, 16 and 19 (race)
SASKATOON SPECIAL HOME CARE Allows for the recruitment of a male to fill a certified Housing Assistant position	February 29, 1988	March 30, 1988 Exemption from sections 16 and 19 (sex)
LAKESIDE MANOR CARE HOME INC. Employment in two Resident Attendant positions can be restricted to males	March 7, 1988	May 18, 1988 Exemption from sections 16 and 19 (sex)
TOWN OF UNITY Taking into account costs of renovation the Unity Community Centre Hall was exempted from some accessibility requirements	March 23, 1988	May 18, 1988 Exemption from some Accessibility Standards
WHITESPRUCE YOUTH TREATMENT CENTRE Preference to male applicants so that 50% of counsellors would be male.	March 30, 1988	April 13, 1988 Exemption from sections 16 and 19 (sex)
FRIENDSHIP INN (Saskatoon) Hiring preference can be given to persons of Native ancestry	March 22, 1988	April 13, 1988 Exemption from sections 16 and 19 (race)
NATIVE LAW CENTRE, UNIVERSITY OF SASKATCHEWAN Admission to program of legal studies can be restricted to students of Native ancestry.	April 22, 1988	June 29, 1988 Exemption from section 13 (race)
SASKATCHEWAN INDIAN INSTITUTE OF TECHNOLOGIES Priority for entry into educational programs as follows: (1) Treaty Indian people; (2) Non-status aboriginal people and (3) students of non-aboriginal ancestry.	June 14, 1988	July 15, 1988 Exemption from section 13 (race)
SASKATCHEWAN HOUSING CORPORATION Allows Corporation to restrict rental of housing under the Urban Native Housing Program and the Public Housing to persons of Native ancestry.		July 15, 1988 Exemption from section 11 (race)

SOUTH SASKATCHEWAN HOSPITAL CENTRE Preference can be given to a male to fill one Shave Prep Porter position	June 29, 1988	July 27, 1988 Exemption from sections 16 and 19 (sex)
SOUTHWEST CRISIS SERVICES INC. Permits organization to restrict the position of Executive Director of its shelter for battered women to a female.	July 15, 1988	August 9, 1988 Exemption from sections 16 and 19 (sex)
SALVATION ARMY Gives permission to hire a person of the Christian faith as a Family Service worker employed by the Salvation Army.	August 24, 1988	September 1, 1988 Exemption from sections 16 and 19 (religion, creed)
KINSMEN COMMUNITY WORKSHOP (Prince Albert) Allows organization to ensure that at least two out of seven staff positions in a day program are filled by males or females	August 31, 1988	October 28, 1988 Exemption from sections 16 and 19 (sex)
SOFIA HOUSE INC. Operating a shelter for battered women. The organization can restrict certain staff positions and volunteers to females.	October 27, 1988	November 16, 1988 Exemption from sections 16 and 19 (sex)
ATIRA CONSULTING May restrict services of a job re-entry program to single-parent women.	November 30, 1988	December 9, 1988 Exemption from section (12)1 (marital status, sex)
SASKATCHEWAN CHAPTER, THE CANADIAN DEAF-BLIND AND RUBELLA ASSOCIATION Organization can restrict residents in a proposed group home to persons who are deaf-blind.	October 24, 1988	December 16, 1988 Exemption from sections 11, 12 and 13 (physical disability)
MELFORT AND DISTRICT PIONEER LODGE AND NIRVANA PIONEER VILLA Hire a male to work as a full-time male resident attendant working with male patients.	December 8, 1988	Under consideration at end of 1988

Accessibility

The Saskatchewan Human Rights Commission amended its Accessibility Standards Guidelines in April 1988 so that they would confirm as closely as possible to the government's *Uniform Building and Accessibility Standards Act.*

Physically disabled people are often denied their rights to equal opportunity and access because of architectural barriers. To encourage elimination of those barriers, the Commission adopted Accessibility Standards Guidelines in 1980. The Guidelines set out the standards all buildings and facilities to which the public is customarily admitted must meet to be accessible to persons with physical disabilities. But the Commission can act only when it receives a complaint; it uses its Accessibility Standards to assess the validity of that complaint.

The government now also has accessibility regulations under the *Uniform Building and Accessibility Standards Act,* which were proclaimed June 6. The regulations apply to new public buildings and those renovated for a new use; all builders are required to meet those standards at the time of construction.

The Commission is pleased with the broad application of the government's regulations, but is concerned about the buildings and facilities that are exempt in provincial regulations that are not exempted in the Commission guidelines. Some of the most significant differences are:

- provincial regulations exempt any apartment complex which contains fewer than five units. Commission guidelines do not.
- provincial regulations, for the most part, do not require visual and auditory aids in public buildings for those who are hearing impaired or visually impaired. Commission guidelines contain this requirement.
- provincial regulations do not require small office buildings of two and three stories to make the second and third levels accessible. Commission guidelines contain this requirement.
- provincial regulations do not require recreation facilities – such as parks, zoos, camping facilities – to be accessible. Commission guidelines require all recreation facilities to be accessible.

Because of these differences, the Commission will retain its own set of accessibility guidelines and will continue to use them as a standard when reviewing accessibility complaints.

The Saskatchewan Human Rights Code takes precedence over other provincial legislation, and it is therefore possible that a builder who has met the government's accessibility standards could still be in contravention of *The Saskatchewan Human Rights Code.*

Copies of the Commission's accessibility guidelines are available upon request.

List of Human Rights Commission Materials

1. The Saskatchewan Human Rights Code and Regulations.

2. Pamphlets and Brochures:

   Affirmative Action
   Application Forms and Interview Guide: A Guideline for Employers and Job Applicants
   Doing What's Right: The Saskatchewan Human Rights Code
   Filing a Complaint: Now What Happens?
   Finding a Home: Landlord and Realtor Responsibilities
   Human Rights in the Workplace: An Employer's Guide
   Rights of the Physically Disabled
   Saskatchewan Human Rights Commission - Information Kit
   Sexual Harassment
   Towards Equality: A Guide to Special Programs in Saskatchewan

3. Saskatchewan Human Rights Commission Newsletters

   Aboriginal Peoples of Canada and the Constitutional Process: The Task Ahead
   Affirmative Action News No. 1
   Affirmative Action News No. 2
   Affirmative Action and Human Rights in the 1980's
   Affirmative Action: A New Direction for Schools
   Affirmative Action: Education Equity
   After the Decade: Women's Rights in Saskatchewan
   Arbitrary Arrest and Detention
   Appeal Court Decision Goes to Chambers
   Canada's Constitution and Charter of Rights and Freedoms
   Compulsory Retirement: Elements of the Debate
   Discrimination on the Basis of Pregnancy
   Education Equity Plan Receives Approval
   Education System and Human Rights
   40th Anniversary of Human Rights Declaration
   Independence for Human Rights Commission: An Idea Whose Time Has Come
   Longtime Commission Members Honored at Reception
   Indian and Metis Self-Government in Canada
   KKK: An Editorial Statement
   Making Saskatchewan Accessible
   Medical Examinations: Guidelines for Employers
   Proposed Amendments to Saskatchewan Human Rights Code
   Saskatchewan Human Rights Commission Releases Interpretive Document on Pensions, Employee Benefits and Insurance
   Sexual Harassment: New Developments and Interpretations
   Sexual Harassment: Taking a Stand
   The 35th Anniversary of the Universal Declaration of Human Rights
   A Time to Celebrate
   Two New Members Appointed to Commission

4. "On Rights" Saskatchewan Human Rights Commission Schools Newsletter

   Volume 1, No. 1 - An Introduction to Human Rights
   Volume 2, No. 1 - The Canadian Charter of Rights and Freedoms: Section 15: Equality Rights
   Volume 2, No. 2 - The Canadian Constitution and the Charter of Rights and Freedoms: A History of Civil Liberties in Canada

5. Videos:

   Doing What's Right
   Human Rights, Human Wrongs (Canadian Living Magazine)
   Say No to Racism (Regina Public School Board)
   Sexual Harassment in the Workplace (Labour Canada)

   Videos are available on a loan basis.

5. Other Materials:

   A Manual on the Charter of Rights and Freedoms
   Accessibility Standards
   Affirmative Action Legal Provisions
   * Affirmative Action: A Case Book of Legislation and Affirmative Action Programs in Saskatchewan
   Doing What's Right - Workshop Manual (available on loan basis)
   Doing What's Right: Teacher's Resource Guide

Education Equity: A Report on Indian/Native Education in Saskatchewan

Human Rights and Benefits in the 80's: An Interpretation of the Saskatchewan Human Rights Code as it Applies to Pensions, Employee Benefits and Insurance

Prejudice in Social Studies Textbooks along with supplement

Saskatchewan Human Rights Commission Affirmative Action Decisions

Saskatchewan Human Rights Commission Exemption Orders

Saskatchewan Human Rights Commission Equal Pay Decisions

Saskatchewan Human Rights Commission Annual Reports 1981, 1982, 1983, 1984, 1985, 1986 and 1987

* Sex Bias in Primary Readers

Steps for Developing an Affirmative Action Program

* TASC Workshop on Handicapism

* TASC Workshop on Racism

* TASC Workshop on Sexism

6. Posters

Opportunities are Everyone's Right
Protected Categories
Protected Areas
Functions of the Commission

List of Other Publications Distributed by the Commission

Dick and Jane as Victims: Sex Stereotyping in Children's Readers - Women and Words and Images Publication

Human Rights - Public Legal Education Association of Saskatchewan Publication

The above publications are available in print or on cassette tape, except those marked with an asterisk (which are available in print only). These publications are available free of charge by contacting the nearest Commission office.

List of Saskatchewan Human Rights Commission Staff

(as of December, 1988)

Irma Bird
Jan Cadman
Dan Conway
Pat Cook
Pat Danforth
Laurena Daniels
Donalda Ford
Cindy Galenzoski
Kenneth Jamont
Genevieve Leslie
Bev MacSorley
Robin McMillan
William Rafoss
Helen Riggs
Brenda Robertson
Karen Ross
Rene Roy
June Vargo
Theresa Walker
Ailsa Watkinson
Vera-Marie Wolfe
Milton Woodard

Employees on Leave (Education, Childcare and Indefinite)

Deborah Newlyn

Table 1
Summary of Complaints Received in 1988, by Grounds and Category

	Sexual Harass.	Sex	Indian Ancestry	Other Ancestry*	Religion**	Nationality/ Citizenship	Marital Status	Age	Physical Disability	Other	Total	Percent
Category			12	4			16	1	16	2	51	22.3
Public Services	14	39	4	13	2	2	10	12	30		126	55.1
Employment	1	1	5	1			2		1		11	4.8
Housing		1		1	1		1				4	1.7
Occupations		1	1	1		1					4	1.7
Publications				1							1	.4
Trade Unions												
Prof. and Trade Association												
Contracts												
Education			1	2					2		5	2.2
Reprisals										1	1	.4
Bill of Rights										7	7	3
Application Forms										19	19	8.3
Total	15	42	23	23	3	3	29	13	49	29	229	
Percent	6.6	18.3	10	10	1.3	1.3	12.7	5.7	21.4	12.7		100
Carried forward from 1987											125	
Total files under investigation											354	

* Includes "place of origin, color, race"
** Includes "creed"

Table II
Disposition of Complaints

Disposition	Number
No Jurisdiction	11
No Reasonable Grounds	56
Withdrawn	52
Settled	13
No Probable Cause	27
Probable Cause Found	49
Application Forms	29
Total	237
Under Investigation	117
Grand Total	354

Table III
At Settlement or Board Level

Disposition	Number
Board files carried forward from 1987	24
Settlement files carried forward from 1987	21
Probable cause found in1988	49
Total	94

Table IV
Disposition of Settlements

Disposition	Number
Settled without directing formal inquiry	21
Settled after formal inquiry	17
Disposed of by board decision	7
Total	45

Table V
Disposition of Boards

Disposition	Number
Boards Pending	14
Boards Settled	15
Boards Held	20
Total	49

Table VI
Affirmative Action Plans Received in 1988

Affimative Action Plans	Approved	Under Consideration
Education Equity	8	2
Employment	1	0
Training Programs	0	0
Total	9	2

Table VII
Requests for Exemptions in 1988

Exemptions	Number
Granted	18
Denied	0
Under Consideration	1
Total	19

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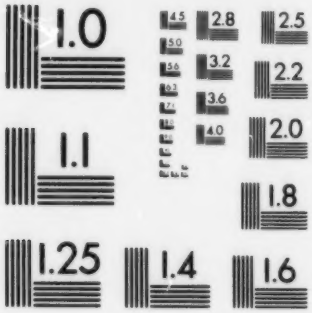

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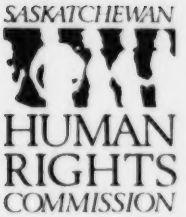
1988 Annual Report



The Saskatchewan Human Rights Code states:

3. The objects of this Act are:
   (a) to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and

   (b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

SASKATCHEWAN
HUMAN RIGHTS COMMISSION

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Chief Commissioner
Ronald Kruzeniski

Commission Members
Jan Kernaghan
Phyllis Unrau

Executive Director
K. C. Jamont

March 16, 1989

The Honourable Bob Andrew
Room 355
Legislative Building
Regina, Saskatchewan
S4S OB3

Dear Mr. Andrew:

It is with pleasure that I submit the 1988 annual report of the Saskatchewan Human Rights Commission to you, pursuant to Section 49 of The Saskatchewan Human Rights Code.

Yours truly,

Ronald J. Kruzeniski
Chief Commissioner

RJK.jmc

Saskatchewan Human Rights Commission Members

Ronald J. Kruzeniski
Chief Commissioner

Isabella Impey

Jan Kernaghan

Ken Mah

Phyllis Urau

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INDEX

1988 in Review 1

Commission Members 3

The Mandate of the Commission 5

Investigations Division 6

Settlements and Tribunals 9

Affirmative Action 17

Education Activities 21

Exemptions 23

Accessibility 25

List of Publications 26

List of Saskatchewan Human Rights Commission Staff 28

Tables of Statistics 29

1988 In Review

1988 has been a year of achievement for the Saskatchewan Human Rights Commission.

We are particularly pleased with the response of school boards to Education Equity, a special program designed to bring greater benefits to Indian and Metis children in the schools.

In 1985 the Commission asked all school boards in the province with an enrollment of Indian and Metis students of five percent or more to participate in Education Equity. We are pleased to be able to report that at the end of 1988 almost every board in that category has developed a plan. Seventeen plans have been approved; a further two will be approved early in 1989.

At the present time there are approximately 74,700 students in schools guided by those boards; 15.6 percent of them are of Indian ancestry. The boards employ approximately 4,100 teachers; 3.5 percent are of Indian ancestry.

If the boards are able to meet their goals, it is anticipated that at the end of the 10-year period the plans are in effect, an additional 409 teachers of Indian ancestry will have been hired.

Now that the plans are well underway, the Commission's role in this area will be very different. Our participation will be limited to annual monitoring and providing an avenue (such as seminars) for an exchange of ideas.

But even though the level of our involvement will be less in the future, our commitment to the success of Education Equity is as firm as it was when we first addressed the problem. We believe Education Equity is off to a promising start, and anticipate that the benefits for children of Indian ancestry will be real and immediate.

We are also pleased to be able to report progress in affirmative action in the workplace.

The Commission granted interim approval in 1988 to a government plan covering permanent and non-permanent union (S.G.E.U.) positions. It builds on a preliminary plan approved in 1987 that covered non-union management and professional positions. Now, 97 percent of all provincial government employees are participating in a comprehensive affirmative action program.

This means that the three largest public sector employers in the province are supporting affirmative action – the Cities of Saskatoon and Regina had plans approved in 1987. Their participation and support are an example to private sector employers in Saskatchewan.

The Commission is working with employers and educational institutions to develop new affirmative action plans. It is hoped they will soon be added to the 15 plans already in place.

In reviewing the activities of the Investigations Unit, there is also much to be proud of. Major strides were made in 1988 in the length of time it takes to complete an investigation.

We had set ourselves the goal of completing investigations in 12 months. We didn't quite reach our goal, but we were very close. The average length of time it took to complete an investigation in 1988 was 14.2 months. In 1989, we will again be working towards the goal of completing investigations in a 12-month period.

An important case was resolved in 1988, that of Murray Chambers. The Saskatchewan Court of Appeal determined that Chambers had been discriminated against by the provincial government when it paid him less social assistance than it paid to a married person in a comparable category.

The decision is a significant one, because it defines the words "public service" as they are used in *The Saskatchewan Human Rights Code*. The Appeal Court made it clear that all government services offered to the public on an equal basis come under the protection of the *Code*.

The case also emphasizes how important it is for the Commission to be independent of the government of the day. Under the present system, Commissioners are appointed by the government through an Order in Council. When the Commission receives a complaint about the government, and investigates that complaint, there may be doubt in the mind of the public about the impartiality of Commissioners who are government appointees.

We have recommended on several occasions in the past, and recommend once again, that Commission members be appointed by the Legislative Assembly as a whole, and that the Commission report to the

SASKATCHEWAN

HUMAN RIGHTS COMMISSION

1988 ANNUAL REPORT

Legislative Assembly through the Speaker of the House, rather than directly to a government minister, as is now the case.

We believe this change would be to the advantage of both the government and the Commission.

Another significant step forward for human rights in Saskatchewan came with the government's announcement that mental disability would be added to the *Code* as a protected category. We anticipate the *Code* will be amended in 1989 protecting those who have a mental disability from discrimination.

We are hopeful other amendments to the *Code* will also be made at that time. A recent Court of Appeal decision in the *Red Eye Case* has highlighted a weakness in Section 14 of the *Code* that we believe needs to be rectified by amendment, as soon as possible.

The Court of Appeal said that the Red Eye, a publication of the University of Saskatchewan Engineering Students' Society, did not come within Section 14 of the *Code* which prohibits publication of any notice, sign, symbol, emblem or other representation that attacks the dignity of people because of, among other things, their sex. The Court has interpreted this section to mean that it does not include written articles or oral statements.

It is important to close this loophole. If the wording of Section 14, as it now stands, does not allow for a broad interpretation, we ask the legislature to amend the *Code* so that the Commission is able to deal with written or spoken material that affronts the dignity of people or exposes them to hatred or ridicule because of their race, religion, sex, and so on.

It is important that human rights laws and human rights commissions are able to deal with material such as hate literature. It seems unreasonable to allow a human rights commission to deal with the effects of racist or sexist attitudes, and yet not allow them to prevent the spread of those attitudes.

We are pleased that the government chose to appoint three new commissioners in 1988. The diverse skills and knowledge they bring to the Commission will help to ensure that it is sensitive to the concerns of all people in the province.

We would also like to commend the government for approving regulations to the *Uniform Building and Accessibility Standards Act* that set out the standards public buildings and facilities must meet to be accessible to those with physical disabilities. Regulations were needed to ensure that physically disabled people are not denied their right to equal opportunity and access because of architectural barriers.

We would like, however, to see the legislation go further and to bring under its jurisdiction buildings and facilities that at the present time are excluded. We hope that eventually the government standards will match those of the Commission's Accessibility Standards Guidelines adopted in 1980.

Their purpose is the same, but in addition to differences in their scope, there are also differences in the way the two standards are applied. The Commission can act only when it receives a complaint; it uses its Accessibility Standards to assess the validity of that complaint. The government's accessibility standards apply to new public buildings and those renovated for a new use; all builders are required by law to meet those standards at the time of construction.

The government's legislation is therefore very important in the protection of the rights of those who are disabled. But in our view, those standards do not go far enough. We see the legislation as a good beginning, and encourage the government to improve on it in 1989.

We have come close to meeting all the goals set by the Commission for 1988. New goals have been set for 1989. It is our expectation that the Commission will be able to achieve them, by once again using the resources available to it as efficiently as possible. But we are now reaching the point where those resources cannot be stretched much further. It will be difficult in the near future to maintain our effectiveness if additional funds are not made available.

The Commission looks forward to the challenge of 1989.

Ronald J. Kruzeniski
Chief Commissioner

Commission Members

Three new Commission members were appointed in 1988, the terms of two long-time Commission members came to an end, and two Commission members were re-appointed for further five-year terms, bringing the total number of Commissioners to five.

When announcing the re-appointments and two new appointments in September 1988, Justice Minister Bob Andrew said the re-appointments of Ron Kruzeniski and Jan Kernaghan "will maintain the experience and judgment with which the Commission has operated in the past." The new appointments of Ken Mah and Isabelle Impey "will ensure that the multicultural dimensions of this province will be adequately represented."

The third new member, Phyllis Unrau, was appointed in January 1988. At that time, Chief Commissioner Ron Kruzeniski said: "I anticipate her background and experience will provide valuable assistance in the future work of the Commission."

The terms of Helen Hnatyshyn and Kayla Hock ended in January 1988. Hnatyshyn had been a commission member since 1972 and Hock since 1978.

Commission members are appointed by the Lieutenant Governor in Council for a five-year term, which may be be extended for a further five years. Working part-time, the Commissioners attend monthly meetings where they set policy, approve settlements, review complaints, decide whether complaints should go to a board of inquiry, and consider applications for affirmative action programs and exemptions.

In addition, the Commissioners further public education by providing information about *The Saskatchewan Human Rights Code* and the principles upon which it is based.

The Commission employs a professional staff located in offices in Saskatoon and Regina to carry on the daily work of the Commission and to fullfil the mandate of the *Code*.

Commission members are:

Ronald J. Kruzeniski, Chief Commissioner

Kruzeniski has been Chief Commissioner since 1983. He received his Bachelor of Administration in 1969 and his Bachelor of Laws in 1972 and in 1983 was appointed Queen's Counsel (Q.C.). He is a partner in the firm of Alexander, Kruzeniski, Goudie and McLaren. In addition to his professional responsibilities, he is chairperson of the Regina Separate School Board, vice-president of the Canadian Cancer Society, Saskatchewan Division, and chairman of the parish council of Christ the King church.

Jan Kernaghan

Kernaghan received her Bachelor of Laws in 1978. She is practicing law in Prince Albert and is currently with the firm of Sanderson and Wilkinson. She has been president of the Prince Albert Business and Professional Women's Club and secretary-treasurer of the Prince Albert Sexual Assault Centre Inc. She is also a member of the Public Legal Education Association (PLEA), Women and Law, and the National Action Committee on the Status of Women.

Phyllis Unrau

Unrau is a businesswoman who shares responsibilities for the family insurance business with her husband. A long-time resident of Martensville, she has several years of involvement in community and church organizations. She is a member of the Mennonite Church and has been active in several church committees, has been community liaison for the Saskatoon Community College, has been involved in the local Home and School Association, is a member of the Chamber of Commerce and has served on its executive.

Isabelle Impey

Impey is superintendent of student services for the Prince Albert District Chiefs Council Indian Student Education Centre. She is an active volunteer in the native community and is a member of the Association of West Central Native Women and the Prince Albert Indian-Metis Friendship Centre. Another of Impey's current interests is Iskew, a support group for women who, at one time in their lives, have suffered from family violence, and at the present time assists the executive director in an advisory capacity. She was also actively involved in the implementation and

Investigations Division

A person who believes he or she has been discriminated against contrary to the provisions of *The Saskatchewan Human Rights Code* may complain to the Commission. A third party or the Commission itself may also initiate a complaint.

The staff of the investigations unit is responsible for receiving and investigating complaints. The first step in an investigation is an initial inquiry to determine if the complaint falls within the jurisdiction of the *Code* and if reasonable grounds exist to believe the *Code* was violated.

If those standards are met, a complete investigation will be conducted to determine if there is enough evidence to support the complaint. Staff in the investigations unit have the authority to interview people who may have information about a complaint. They can also examine relevant records and documents, including employment records.

If the investigation does not substantiate the allegation, the complaint is dismissed. Where the evidence gathered by the investigations unit does support the claim, an attempt is made to negotiate a settlement between the parties.

If a settlement cannot be negotiated, the matter is referred to the commissioners who may then direct that a board of inquiry be appointed. Boards of inquiry are independent tribunals appointed by the Minister of Justice, to hear evidence into the complaint. (See accompanying complaint procedure chart.)

Categories of Complaints

The Saskatchewan Human Rights Commission had a total of 354 complaints under investigation in 1988; 229 of those were complaints received during 1988, with 125 carried forward from the previous year.

The number of complaints received during 1988 (229) was similar to the number of complaints received during the previous year (239). There was a dramatic difference, however, in the number of complaints carried forward; in 1987, 282 complaint files were brought forward from the previous year; in 1988, only 125 complaint files were brought forward from the previous year.

This change reflects a push by the Commission in 1987 to clear the large backlog of cases that had accumulated over the years and to concentrate in 1988 on managing the new cases coming in as efficiently as possible.

At the end of 1988, the average length of time required to complete an investigation was 14.2 months. Investigators were managing a caseload in the mid-twenties, compared to a caseload in 1986 of close to 80.

Procedural changes implemented in 1986 and 1987 plus the use of six temporary investigators played a part in clearing up the backlog of cases. Another important factor was the hard work and commitment of the permanent staff in the investigations unit.

In 1988 stringent measures were taken to ensure that complaints remained current. Intake Officers were required to draft formal complaint forms within 30 days, unless there were extenuating circumstances. Investigating Officers diarized each file every three weeks so that no unreasonable delays occurred. Regular file audits were conducted by the Chief Human Rights Officer to ensure that these procedures were being followed.

When files move beyond the investigative stage and into the settlement process, efforts continued to be made to expedite the matter as quickly as possible.

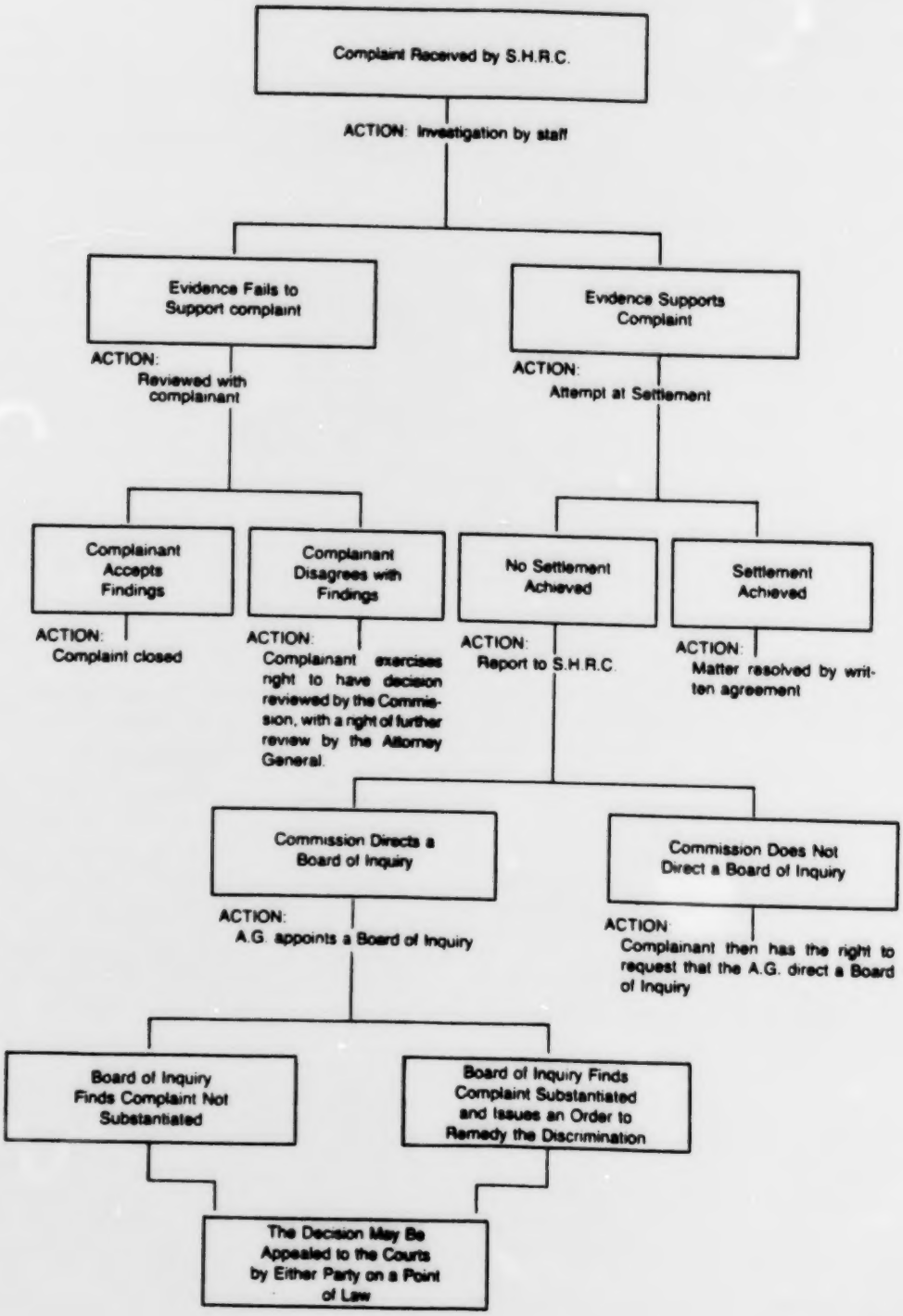
At the end of 1988, there were 94 cases in this later stage of the process – that is, cases in settlement, at a board of inquiry level, or cases that had been appealed to the courts.

Statistical breakdown

Approximately 55 percent of the complaints filed in 1988 were in the area of employment, 22 percent were in the area of public services, and five percent in the area of housing.

Discrimination on the basis of sex accounted for 25 percent of the complaints received by the Commission in 1988, and of those, 7 percent were complaints of sexual harassment. Discrimination on the basis of physical disability constituted 21 percent of complaints received in 1988.

The Complaint Procedure


Complaint Received by S.H.R.C.
ACTION: Investigation by staff
Evidence Fails to Support complaint
Evidence Supports Complaint
ACTION: Reviewed with complainant
ACTION: Attempt at Settlement
Complainant Accepts Findings
Complainant Disagrees with Findings
No Settlement Achieved
Settlement Achieved
ACTION: Complaint closed
ACTION: Complainant exercises right to have decision reviewed by the Commission, with a right of further review by the Attorney General.
ACTION: Report to S.H.R.C.
ACTION: Matter resolved by written agreement
Commission Directs a Board of Inquiry
Commission Does Not Direct a Board of Inquiry
ACTION: A.G. appoints a Board of Inquiry
ACTION: Complainant then has the right to request that the A.G. direct a Board of Inquiry
Board of Inquiry Finds Complaint Not Substantiated
Board of Inquiry Finds Complaint Substantiated and Issues an Order to Remedy the Discrimination
The Decision May Be Appealed to the Courts by Either Party on a Point of Law

The board in its decision handed down November 23, said that there had been unsolicited physical contact and propositioning, and that Ross had been seriously affected emotionally by the incident.

Rother v. Evergreen Services Ltd.

On June 27 a board of inquiry heard evidence in the complaint of Janice Rother of Saskatoon, who alleged she was sexually harassed by her supervisor and a fellow employee when she was working for Evergreen Services, a Vancouver company with a catering contract in Dundurn.

Rother told the board she quit her job after a few weeks because she could no longer tolerate the frequent incidents of harassment. Evergreen Services did not appear before the board.

The board has not yet handed down a decision.

Canning and McConnell v. MacMillan Bloedel (Saskatchewan) Ltd.

A board of inquiry heard evidence October 24 to 28 and January 23 to 25 into two complaints of discrimination on the basis of sex against MacMillan Bloedel in Hudson Bay. A decision is anticipated in 1989.

Myrna McConnell of Nipawin and Gloria Canning of Hudson Bay, both of whom at one time worked in the MacMillan Bloedel woodmill, alleged that when re-hiring was being done after a general layoff in 1981, they were not re-hired even though men with the same or less seniority were called back.

The evidence was heard by a three-person board, consisting of Randy Katzman of Saskatoon, Marjorie Childerhose of Outlook, and Bonnie-Lynn Holtby of Marshall.

Redman v. Hubbard Hotel

A man of Indian ancestry who was denied service at the Hubbard Hotel because of his race has been awarded $200 by an independent board of inquiry appointed under *The Saskatchewan Human Rights Code* by the provincial justice minister.

William Johnston of Regina, acting as a one-person board, found there was sufficient evidence to indicate David Redman had been denied service in the beverage room of the Hubbard Hotel in the town of Hubbard, contrary to *The Saskatchewan Human Rights Code*. Redman testified that on December 10, 1984 a waitress told him he couldn't have a beer because he was native.

In his decision, dated May 25, 1988, Johnston said he believed that the hotel has served both white people and those of Indian ancestry prior to that date, and since. "However, they failed to do so on December 10, 1984."

In addition to the payment of $200 in compensation for the loss of self-respect, the Curtises were ordered to confirm, to all of their employees in writing, that there shall be no discrimination in the beverage room of the hotel.

Rodin v. Jack's Motor Hotel

A woman who complained about sexual harassment at Jack's Motor Hotel in Maple Creek, Saskatchewan has been awarded compensation of $2,600 by a board of inquiry.

Waitress Donna Rodin of Maple Creek complained to the Commission in February 1987 that she had been sexually harassed by her employer Jack Herman, who was also owner of the hotel, and that she had been fired because she refused to comply with his demands for sexual favours.

Swift Current lawyer, Jakob Wiebe, the one-person board appointed by the justice minister to hear the evidence, said in his ruling handed down August 31 that Rodin had suffered verbal and physical harassment of a "degree of persistence" that made the workplace very uncomfortable. In addition, he found that her refusal to comply with her boss's sexual demands was the main reason she was fired.

At the board of inquiry hearing in Swift Current in March 1988, Herman denied any of the incidents took place but Wiebe said that in a test of credibility he had no difficulty in concluding that the version put forward by Rodin was the correct one.

The award gave Rodin $1,000 in compensation for humiliation and loss of self-respect and $1,600 for loss of wages.

Bauer, Hrynkiw and Stokalko v. Papouches and Crossroads Family Restaurant

Three women who complained about sexual harassment at the Crossroads Family Restaurant during the summer of 1986 when they worked there as waitresses were awarded compensation totalling $7,140 by a board of inquiry.

The board found that Debra Bauer, Melanie Hrynkiw and Kelly Stokalko had been sexually harassed by John Papouches, co-owner of the restaurant.

In a decision handed down March 24, 1988 the board ruled that the women had been subjected to repeated verbal comments of a sexual nature which created a hostile and offensive work environment.

Bauer was awarded $3,900, Hrynkiw was awarded $1,740 and Stokalko was awarded $1,500.

Lariviere et al v. Zaboysky and Nickel Hotel Ltd.

The board of inquiry hearing evidence in complaints of sexual harassment made by four women who worked at the Winston Hotel in Moose Jaw was adjourned April 13 until further notice.

The four women allege that their former employer, Nick Zaboysky, sexually harassed them physically and verbally when they were employed as waitresses at the hotel.

Zaboysky's lawyers asked to have the complaints dismissed because of the length of time which had elapsed between the filing of the complaint and the establishment of the board. The complaints were filed with the Commission in 1985 and 1986.

The one-person board, Kenneth Cornea of Moose Jaw, asked for written argument on the issue from all parties, for his consideration. He has not yet handed down a decision on the application for dismissal.

Court Decisions

Decisions of a board of inquiry may be appealed to the court by any party to a complaint. In 1988, two court decisions were handed down and decisions are pending on others.

Chambers v. Saskatchewan Social Services

In June 1988 the Saskatchewan Court of Appeal ruled that Murray Chambers was discriminated against by the province's welfare system and it instructed the government to rectify its mistake.

The exact amount that will be paid to the Saskatoon welfare recipient will be decided by the board of inquiry that first heard the complaint.

In July the government paid Chambers $632.50 to compensate him for the amount he had been underpaid over a three-year period. The question of how much he should be awarded in compensation for embarrassment and loss of self-respect went back to the original board for determination on December 16. The board has yet to make its ruling.

The board must also decide whether it has the jurisdiction to award compensation to others in Chambers situation who had also been underpaid and, if so,what that compensation would be.

In April 1985 Chambers complained to the Saskatchewan Human Rights Commission that he was being discriminated against because he was single. *The Saskatchewan Human Rights Code* prohibits discrimination in the provision of services to the public on the basis of marital status.

Under the province's welfare scheme, as it was then set up, people categorized as single employables received less money than married employables. Single employables received a basic allowance of $123 a month, while a childless married couple received $178 a month each, a difference of $55 (44.7 percent).

A board of inquiry was held in December 1986. The government argued the province's welfare scheme didn't come under provincial human rights legislation because it wasn't a service "customarily admitted or offered to the public" but only to a limited category of the public, in this case, people in need.

The board of inquiry agreed and the Court of Queen's

Bench said its decision should stand. The Court of Appeal said no. The province's welfare scheme was a service offered to the public, the court said, and therefore discrimination on the basis of marital status wasn't allowed.

The judgment said that even though only some members of the public take advantage of a government service, it can still be defined as a public service. Only rarely will government services apply to all citizens equally. Instead, you have to look at whether they are offered on an equal basis, the appeal court said.

"Health services, for example, are provided to persons who demonstrate their eligibility, based upon residency, and who can demonstrate a health problem."

The fact that there are eligibility criteria and application forms should not be interpreted as a restriction of a service to the public, the judgment said. Rather, eligibility criteria are there to ensure the impartial and universal application of a service.

"The provision of financial assistance under the Saskatchewan Assistance Plan is no different from any other government service. It is offered to the public, but not all members of the public will qualify."

Heidt v. City of Saskatoon and Civil Unions

The Saskatchewan Human Rights Commission will appeal a decision handed down December 20, 1988 by Mr. Justice Matheson of the Court of Queen's Bench in which it was held the City of Saskatoon did not discriminate against James Heidt when it denied him sick leave benefits to which younger employees were entitled.

Heidt had been employed by the City of Saskatoon for 16 years as a seasonal employee when he fell ill with cancer. He received benefits under the employer's Sick Leave Bank,but was cut off after three years because he was over the age of 55.

The impact of that provision was particularly significant for Heidt – permanent employees are eligible to receive a pension at the age of 55; seasonal employees are not.

He complained to the Saskatchewan Human Rights Commission in 1987 that he was being discriminated against because of his age.

Mr. Justice Matheson said, however, there was no discrimination, agreeing with an earlier board of inquiry decision. He said the City's Sick Leave Bank did not come under *The Saskatchewan Human Rights Code* because it was a *bona fide* employee insurance scheme and as such was exempted from the *Code*. The *Code* specifies that any *bona fide* retirement, superannuation or pension plan may apply the terms of those plans differently for people of different ages.

The Commission agreed that the intention of the City and the Union in providing a long-term disability plan for employees was *bona fide* – that is, they acted honestly and in good faith. However, the Commission argued that even though the intention of the city and union in setting up a plan was *bona fide*, the actual operation of the plan was not *bona fide* because it made unfair distinctions based on age that were not necessary for the plan to operate effectively.

The Court disagreed. It said that if a group or insurance plan as a whole is *bona fide* – meaning that it was set up honestly and in good faith – then all of the terms of the plan are exempt from the *Code* and do not have to be assessed further.

Rodin v. Herman and Jack's Motor Hotel

A board of inquiry decision awarding a Maple Creek woman $2,600 in compensation for sexual harassment has been appealed by Jack Herman, her former employer.

The board, in its decision handed down August 31, said Donna Rodin was sexually harassed by her boss, Jack Herman, when she worked at Jack's Motor Hotel in Maple Creek as a waitress. She told the board she had been fired because she refused to comply with his demands for sexual favours.

The appeal was heard November 29 at the Court of Queen's Bench in Swift Current. The Court did not hand down its decision in 1988.

Hoffer v. Havemann et al; Engineering Students Society Inc. et al. (The Red Eye)

(Although the decision in this case was handed down three weeks after the end of the year, we have provided this summary in the 1988 annual report because of the importance of the case and the high level of interest in it.)

The Saskatchewan Court of Appeal found that two editions of the Red Eye published by the Engineering Students Society that were the subject of a complaint to the Saskatchewan Human Rights Commission did not contravene Saskatchewan human rights law. The 1984 board of inquiry that found there had been a contravention of *The Saskatchewan Human Rights Code* erred in law, the Appeal court said.

Section 14 of the *Code* prohibits publication of any notice, sign, symbol, emblem or other representation that attacks the dignity of people or that tends to expose them to hatred or ridicule because of, among other things, their sex. The Court of Appeal said the phrase "other representation" does not include written articles.

Justice Cameron, who wrote the majority opinion, said "that the impugned content of the two editions constitutes an affront to the dignity of women is clear, but whether its publication in whole or in part offends Section 14 of the *Code* is another."

But Mr. Justice Vancise, in a dissenting opinion, said that if Section 14 can't be used to regulate a newspaper article or an editorial, then the broad social purpose of the *Code* will be seriously impaired, if not defeated."

The majority opinion, however, said that Section 14 applied only to the display or publication of notices, signs, symbols and so on, and not to written articles. "It is not for us to say why the legislature chose to limit the scope of the section, but limit it it did, and we must respect that."

The Commission will ask the Supreme Court of Canada for leave to appeal.

The Saskatchewan Human Rights Commission and Roy Day v. The City of Moose Jaw and the Moose Jaw Firefighters Association

The Saskatchewan Human Rights Commission and Len Craig v. The City of Saskatoon and the Saskatoon Professional Firefighters Union

The Cities of Saskatoon and Moose Jaw and the Unions were granted leave to appeal this case to the Supreme Court late in 1987. The date for argument was set for February, 1989.

The appeal is from a decision of the Saskatchewan Court of Appeal handed down in June, 1987. The court held that forced early retirement for firefighters is contrary to the province's human rights legislation.

Two firefighters who had been forced to retire before they reached age 65 complained to the Human Rights Commission that they had been discriminated against.

The Saskatchewan Human Rights Code says that discrimination in employment on the basis of age is not allowed between 18 and 64 years.

One employee required firefighters to retire at age 60; the other at age 62.

The issue was one of safety. Could it be determined which firefighters over the age of 59 were still fit to do the job? The Court of Appeal said yes, it was possible, through testing, to determine which firefighters were physically fit, and because it was possible to make that determination it wasn't fair to say that all older workers must retire, whether they were physically fit or not.

The Court looked closely at the wording of the *Human Rights Code* in coming to its determination.

It looked, in particular, at the word "exclusively" in the definition of "reasonable occupational qualification", which states it may be necessary to hire individuals of a particular age exclusively in order that the duties of a job can be performed safely.

The judgment said: "In any occupational group there is, as has been noted, often much variation in work capacity and fitness between the different individuals in the groups, irrespective of the ages of the individuals.

It goes on to point out that to meet the standard of exclusivity, employers must prove that only people in the age group up to 60 (and no one else) are fit to perform that job safely. This, the judgment notes, would be a virtually impossible task.

The judgment also zeroed in on the word "reasonable" in the phrase "reasonable occupational qualification". It asked how an occupational qualification could be reasonable if there are legitimate alternative means (such as testing) for finding out which people are at risk of employment failure without resorting to age discrimination.

operation of Prince Albert's Interval House, a transition house for battered women, where she served as a management committee member for four years.

Ken Mah

Mah is vice-chairman of the board of directors of Sinotek International (1986) Inc. and prior to that was owner and manager of Wascana Grocery in Regina. He is active in the community and has been a member of the Regina Multi-culturalism Council for 12 years. He was a founding member of the Chinese Cultural Association of Saskatchewan and was the organization's first president. He has also been a strong supporter of the Chinese Pavilion at Mosaic for 12 years, and was the Pavilion's ambassador for two years. He is a founding member of the Chinese Canadian National Council (CCNC), a national organization whose purpose is to promote equality for Chinese Canadians.

The Mandate of the Commission

The Saskatchewan Human Rights Commission is a law enforcement agency responsible for the administration of *The Saskatchewan Human Rights Code.*

The purpose of the *Code* is to:

(a) promote recognition of the inherent dignity and the equal inalienable rights of the human family; and

(b) further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

These objects are derived from the Universal Declaration of Human Rights adopted by the general assembly of the United Nations in 1948.

One of the ways these goals are pursued is through the protection of certain human rights by law. Under *The Saskatchewan Human Rights Code,* protected rights fall into two categories – fundamental freedoms and equality rights.

Fundamental Freedoms:

- freedom of conscience
- freedom of religion
- freedom of expression
- freedom of association
- the right to vote in provincial elections

Equality Rights:
There must be no discrimination in housing, employment, public services, education, contracts and publications on the basis of:

- race or color
- creed or religion
- nationality, ancestry or place of origin
- sex (including sexual harassment)
- marital status
- physical disability
- age

The *Code* gives the Saskatchewan Human Rights Commission the authority to:

- investigate and settle complaints of discrimination
- to carry complaints before boards of inquiry
- to approve or order affirmative action programs
- to grant exemptions from certain provisions of the *Code*
- to make regulations subject to the approval of the Lieutenant Governor in Council
- to carry out research and educational programs that will advance the principles of equality and eliminate discriminatory practices.

Complaints on the basis of race, color, ancestry or nationality accounted for a further 21 percent of the Commission's complaints. Half of those complaints related to Indian ancestry.

Thirteen percent of the complaints received related to marital status.

The bulk of complaints based on sex, sexual harassment, and physical disability were in the area of employment. People of Indian ancestry who complained of discrimination most often had difficulty in the area of public services, with some problems in housing and employment. People from other ethnic backgrounds most often had difficulty in employment.

For additional information, see tables of statistics at the end of the report.

Settlements & Tribunals

Settlements

If the Commission concludes, after an investigation, that evidence supports a complaint of discrimination, an attempt is made to reach a settlement between the two parties.

The terms of the settlement are intended to compensate the complainant for any damages suffered as a result of the alleged discriminatory treatment. All parties and the Commission must agree to the settlement, which is binding.

Settlements could include such terms as an apology, compensation for lost wages or other expenses, and payment for humiliation suffered and loss of self-respect. The respondent might also agree to change his or her discriminatory behaviour in the future.

Following are examples of a few of the complaints settled by the Commission in 1988.

Example - Physical Disability

As part of a settlement, a new licence issuing policy was put into place allowing deaf people to operate heavy commercial trucks and semi-trailer units.

In 1982 Philip DeBusschere of Saskatoon complained to the Commission that he was not able to get a Class 1 driver's licence necessary to drive heavy trucks, because he was deaf. He was told he could not have the licence for reasons of traffic safety.

After investigation, the Commission determined that the research available is inconclusive and does not establish that deaf drivers pose any greater safety hazard than other drivers.

The Saskatchewan Auto Fund has agreed to change its policy to allow deaf people to drive all vehicles except buses, taxis and, unless special arrangements are made, vehicles carrying dangerous goods. In addition, SAF paid DeBusschere $1,000 damages for any losses he may have incurred as a result of not having a Class 1 licence in 1986.

Example – Race

Parkland Native Outreach of Yorkton has settled a complaint filed with the Saskatchewan Human Rights Commission in 1984, in which the organization said it was discriminated against when it tried to rent property in Yorkton from Karl and Olivine Serfas.

The single term of settlement was that Mr. and Mrs. Serfas apologize to the native organization, which assists native people in the area to find employment. The apology was placed in Yorkton newspapers.

Parkland Native Outreach said it had made repeated attempts to rent from Mr. and Mrs. Serfas, but was told others were ahead of it in line even though the property remained vacant for several months. The Serfases said there had been no intent to discriminate.

Example – Sex Discrimination

SaskTel agreed to pay a North Battleford woman $2,850 in compensation to settle a complaint that she was bypassed for promotion while on maternity leave.

Lorraine Metz, a telephone operator in North Battleford, told the Commission that she had been bypassed for an available position of service representative even though she was the most senior qualified applicant.

After negotiation between the parties and with the approval of the union, SaskTel agreed, without admission of liability, to move Metz to the first available service representative position in North Battleford, to pay her $2,850 in compensation, and to pay her at the service representative rate.

SaskTel also agreed to issue a statement to all personnel officers reminding them that it is the company's policy to accommodate all pregnant employees and those on maternity leave.

Example – Age

The Saskatchewan Transportation Company (STC) agreed in settlement to ensure that preference will not be given to job applicants of any particular age.

The matter was brought to the Commission's attention by Elliot Wilson of Saskatoon, who had applied to be a driver. Wilson was 20 years old at the time of his application.

An investigation conducted by the Commission revealed that some officers of STC had an informal policy, when hiring drivers, of giving preference to applicants between the ages of 24 and 34.

STC also agreed to distribute, to all supervisory personnel, a policy statement making it clear that it is contrary to the *Code* to make any inquiries about a person's age, or to express any preference for a particular age group.

Example – Sexual Harassment

Six women who complained to the Saskatchewan Human Rights Commission about sexual harassment when they worked at a nursing home in a major urban area have agreed to settle their complaints, with compensation ranging from $3,000 to $1,750 each. Together the settlements total $12,000. The employer agreed to settlement without admission of liability.

The women told the Commission that the manager of the nursing home would touch them repeatedly, would attempt to kiss or hug them, and would make comments of a sexual nature. The alleged incidents took place between 1983 and 1986.

Four of the women also said that when they objected to the harassment, the manager retaliated by reducing the number of hours that they worked. Three of the women subsequently resigned.

Example – Accessibility

A complaint that some of the services at the University of Regina are not accessible to students who rely on wheelchairs for mobility has been settled with the University agreeing to improve the situation for disabled students.

The complaint was made by the University of Regina Students Union and the Voice of the Handicapped. Particular reference was made to inaccessibility on the old campus, also known as the College Avenue Campus, home of the fine arts faculty.

The agreement was intended to assist the university to move toward complete accessibility as quickly as possible, and in addition, to make the best provisions for disabled students it could in existing facilities.

The major terms of the agreement are:
- All new buildings and major renovations shall be completely accessible.
- Interim measures to make the College Building and the Fine Arts Building on the College Avenue Campus accessible include:
  - a ramped entrance to each building;
  - ramping or leveling of all internal changes in floor level on the first floor of each building;
  - accessible washrooms on the first floor of each building;
  - readiness to move classes from upper floors of old campus buildings to accessible locations, upon request, providing it is possible to do so;
  - classes that can not easily be relocated (because equipment must be moved, for example) will now be placed on the first floor, unless such a move would constitute undue hardship.
- The University will set aside a portion of the university's yearly budget for renovations and repairs that will make buildings and grounds more accessible.
- Students who are disabled will be informed of services available to them by letter and in the university calendar. They will also be asked to register with the Disabled Students Adviser.

Boards of Inquiry

If the parties involved in a complaint can't negotiate a settlement, the Commission will ask the Minister of Justice to appoint a board of inquiry. A board, which is independent of the Commission, will consist of one or more persons. Its function is to hear evidence from the parties and to decide, on the basis of that evidence, whether the *Code* has been violated. If a violation has taken place, the board determines what damages should be awarded.

Ten boards of inquiry were conducted in 1988, dealing with 17 complaints. An additional board did not proceed when the parties agreed to settle.

Heidt v. City of Saskatoon Civic Employees, Local 59

A one-person board of inquiry decided there was no age discrimination in the case of James Heidt, a former employee of the City of Saskatoon. Heidt had complained to the Commission in 1987 that his employer denied him sick leave benefits to which younger employees were entitled.

At the hearing on May 2, the City agreed the Sick Leave Bank provided more benefits for employees under 55 than for those over 55. But the City argued that even though they treated older employees differently, there were not contravening human rights law because the City's Sick Leave Bank could be considered a *bona fide* group or employee insurance plan. Such *bona fide* plans are exempt from those provisions of the *Code* that prohibit discrimination in employment.

In its decision handed down September 29, the board agreed that the City's Sick Leave Bank was a *bona fide* employee insurance plan. The Commission appealed the decision to the Court of Queen's Bench. For further information on that decision, see the following section.

Burridge v Nick Katsiris and Beef-Eaters Restaurant Ltd.

A waitress formerly employed at the Cage Restaurant in Saskatoon told a board of inquiry on December 5 that employer Nick Katsiris had slapped her on the buttocks and had put his hand under her shirt and touched her on the back while she worked there as a waitress.

Judy Burridge told the board she quit after five weeks because she could no longer tolerate the sexual harassment.

Katsiris disputed Burridge's allegations and denied he had improper motives any time he may have had physical contact with her.

Saskatoon lawyer Randy Katzman, the one-person board, reserved his decision.

Mack and Pelletier v. Bukovina Restaurant

Two separate complaints, both alleging discrimination in the hiring process against the Bukovina Ukrainian Restaurant in Regina, were heard by a board of inquiry November 28.

In a decision handed down on January 20, 1989 by the one-person board – Douglas Andrew, a Regina lawyer – there was found to be discrimination in one case but not the other.

The board said the co-owner of the restaurant, Wasyl Marivtsan, discriminated on the basis of race when he refused to consider the application for employment of a man of Indian ancestry.

The board said it accepted the evidence it heard from the complainant, Glen Pelletier of Regina. Pelletier said that when he applied for an advertised job as dishwasher at the restaurant in April 1985 he was told by Marivtsan that the job had already been filled.

At Pelletier's request, a friend who was not of Indian ancestry applied immediately after and was offered the job. Pelletier then complained to the Commission.

The board awarded Pelletier $750 to compensate him for humiliation and loss of self-respect.

The second complaint against the restaurant – this one alleging discrimination related to pregnancy – was found by the same board not to be justified.

Co-owner Maria Marivtsan admitted she had refused to hire Theresa Mack because she was pregnant, but said the only reason she had done so was because she believed a woman in the latter stages of pregnancy would not be able to do the job, which included heavy carrying and cleaning duties. Mack was five-and-a-half months pregnant when she applied for work.

The board agreed there was the potential that Mack, because of her pregnancy, would not have the physical ability required by the job and that Marivtsan believed it to be so. The board said the restaurant, in this particular case, was therefore exempt from the *Code's* requirement that employers not discriminate on the basis of sex.

The Commission will be appealing that decision to the Court of Queen's Bench.

Ross v. Gendall

A board of inquiry has awarded a Prince Albert woman $1,500 in compensation for sexual harassment that took place during a job interview at a North Battleford travel agency.

The board awarded compensation to Michielle Ross for humiliation and loss of self-respect, saying there had been a "wholly inappropriate attempt" by Ed Gendall of Gateway Travel Service "to seduce a naive young woman". Ross was 18 years old at the time of the incident.

Gus Kodellas and Tripolis Foods Ltd. v. The Saskatchewan Human Rights Commission, Barbara Wahn and Elizabeth Glute (Court of Appeal)

The Court of Appeal has not yet handed down its decision on this case. Argument was heard in November 1987 in the appeal from a Queen's Bench decision prohibiting a board of inquiry from taking further proceedings into two sexual harassment complaints.

Complaints from Barbara Wahn and Elizabeth Glute alleged that they had been sexually harassed by their employer Gus Kodellas, and each filed a complaint with the Saskatchewan Human Rights Commission, one in 1982 and the other in 1983.

The Court of Queen's Bench ruled that the lengthy period of time which had elapsed between the filing of the complaints and the establishment of a board of inquiry in 1986 violated the rights of Kodellas guaranteed to him by the *Charter of Rights and Freedoms*.

Affirmative Action

Affirmative action is designed to fight discrimination in the workplace and in schools.

It is a response to a kind of discrimination that is particularly hard to eliminate because it has become part of the way society is structured. That kind of discrimination is called systemic discrimination.

In Saskatchewan, affirmative action programs are developed in conjunction with the Saskatchewan Human Rights Commission, and upon completion, are approved by the Commission.

Affirmative action is a commitment to alter the policies, practices and procedures of institutions so that members of the target groups (those underrepresented in the workplace and educational institutions) have an equal opportunity to succeed.

In Saskatchewan the target groups are women, people of Indian ancestry, and people with physical disabilities.

Affirmative action is based on the belief that some groups have historically been disadvantaged in the workplace and in educational institutions and the effects of those discriminatory practices are still being felt today. It is anticipated that affirmative action programs will help to redress imbalances that still exist in the workplace and in schools.

The Saskatchewan Human Rights Code provides four ways to implement affirmative action programs:

1. The Commission may approve a voluntary program (Section 47);
2. The Commission may order that a program be put into place (Section 47);
3. A board of inquiry may order a program as a remedy where there is evidence of discrimination (Section 31(7)(a);
4. An affirmative action program may be introduced in settlement of a complaint.

Approval of a program provides the applicant with legal protection for any preferential measures which may be undertaken. With the proclamation of Section 15(2) of *The Canadian Charter of Rights and Freedoms,* on April 17, 1985, additional constitutional protection for affirmative action programs came into place.

Employment and Training Programs

Affirmative action programs in the workplace continue to grow.

The Government of Saskatchewan's affirmative action plan (they refer to it as an Employment Equity plan) now covers 97 percent of all government employees.

In November 1988, the Commission granted interim approval to the second stage of the government plan, which covers permanent and non-permanent union positions. The first stage of the plan, approved in 1987, covered non-union management and professional positions.

Both plans are intended to ensure equal access to employment with the public service to three target groups: women, aboriginal people and people with physical disabilities.

While women comprise 48.6 percent of the provincial government's total workforce, they occupy only 23.1 percent of all managerial and professional positions. There are even fewer women in upper level management positions - 13.5 percent.

While the Commission estimates that 9.6 percent of the population is of aboriginal ancestry, only 4.5 percent of 12,493 public service positions are held by aboriginal people.

Proportionally, people with physical disabilities are in an even more inequitable situation. While 7.1 percent of the provincial population has a physical disability, less than one percent of public service employees are identified as having a physical disability.

The interim program contains a number of special measures which will help increase the workforce representation of the three target groups.

One of the province's major educational institutions – the College of Arts and Sciences at the University of Saskatchewan – put an affirmative action plan for students in place in 1988.

The plan addressed the underrepresentation of students of Indian ancestry in the College. Data collected by the College indicated approximately 2.3 percent of its student body was of Indian ancestry,

AFFIRMATIVE ACTION PROGRAMS IN SASKATCHEWAN

As of December 31st, 1988

Employment	Approval Date
Saskatchewan Human Rights Commission	January 16, 1980
Saskatchewan Telecommunications	October 29, 1982
Saskatchewan Government Insurance Corporation	February 16, 1984
Westbridge Computer Corporation	December 19, 1984
The Co-operators	August 15, 1985
City of Saskatoon	February 10, 1987
City of Regina	February 10, 1987
Government of Saskatchewan (out-of-scope)	June 16, 1987
Government of Saskatchewan (SGEU)	November 16, 1988

Training and Education	Approval Date
Gabriel Dumont Institute of Native Studies and Applied Research Saskatchewan Urban Native Teacher Education Program (SUNTEP)	August 5, 1980
Northern Teacher Education Program (NORTEP)	September 21, 1981
Gabriel Dumont Institute of Native Studies and Applied Research (Preparatory, Technical & University Programs)	September 16, 1983
Saskatchewan Institute of Applied Arts and Sciences, Wascana Campus	April 4, 1986
University of Saskatchewan, College of Arts and Sciences	February 23, 1988
Saskatchewan Institute of Applied Arts and Sciences, Technologies, Native Services Division	July 27, 1988

Education Equity	Approval Date
Saskatoon Catholic School Division No. 20	May 12, 1987
Indian Head School Division No. 19	June 30, 1987
Meadow Lake School Division No. 66	August 18, 1987
Northern Lakes School Division No. 64	August 18, 1987
Saskatoon Public School Division No. 13	August 18, 1987
Prince Albert Public School Division No. 3	September 8, 1987
Regina Catholic School Division No. 81	October 29, 1987
Wilkie School Division No. 59	December 8, 1987
Biggar School Division No. 50	December 8, 1987
North Battleford School Division No. 16	January 12, 1988
Cupar School Division No. 28	January 12, 1988
Prince Albert Comprehensive High School Board	January 12, 1988
Wadena School Division No. 46	May 18, 1988
Northern Lights School Division No. 113	September 9, 1988
North Battleford School Division No. 103	September 21, 1988
Balcarres School Division No. 87	September 21, 1988
Broadview School Division No. 18	November 16, 1988

Education Activities

It is the responsibility of the Saskatchewan Human Rights Commission to further equality and the recognition of human rights through research and education programs. Under Section 25 of the *Code* the Commission has a duty to:

a) Forward the principle that every person is free and equal in dignity and rights without regard to his race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin;

b) Promote an understanding and acceptance of, and compliance with, the *Code* ;

c) Develop and conduct educational programs designed to eliminate discriminatory practices related to race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place or origin;

d) Disseminate information and promote understanding of the legal rights of residents of the province and conduct educational programs in that respect;

e) Further the principle of equality of opportunities for persons, and equality in the exercise of the legal rights of persons regardless of their status;

f) Conduct and encourage research by persons and associations actively engaged in the field of promoting human rights;

g) Forward the principle of cultural diversities as a basic human right and fundamental human value.

The Commission's education unit meets its mandate by providing information about human rights issues, about *The Saskatchewan Human Rights Code*, and about the activities of the Commission. Information is provided to the public through printed material such as newsletters and pamphlets; through speaking engagements at meetings, conferences and workshops; and through contacts with the media.

In 1988 staff at the Regina and Saskatoon offices provided information about human rights through 96 educationals conducted at public meetings, schools, businesses and agencies.

In addition, the Commission sponsored, in conjunction with the Canadian Human Rights Commission, a public meeting in commemoration of the 40th anniversary of the Universal Declaration of Human Rights.

At that meeting in Regina on December 8, four experts in human rights assessed Canada's human rights record. They were: Maxwell Yalden, Chief Commissioner of the Canadian Human Rights Commission; Yvonne Peters, human rights activist; Verne Bellgarde, Chief of the Prairie Treaty Nations Alliance; and Terry Hunsley, executive director of the Canadian Council on Social Development. Ron Kruzeniski, Chief Commissioner of the Saskatchewan Human Rights Commission, chaired the session.

The education unit also organized two affirmative action public hearings and an education equity seminar.

The Commission also responded to a request for submissions from two provincial task forces in 1988. One was the Northern Education Task Force, whose function was to review primary, secondary and post-secondary education programs in the north and to recommend improvements. The Commission responded with an information brief about Education Equity. The Commission also responded to the Multicultralism Task Force, whose function was to review all aspects of multiculturalism in Saskatchewan. The Commission made 19 recommendations to the task force.

Information was also provided to the public through the media; in 1988 Commissioners and staff had 182 personal contacts with the media, many resulting in stories in the province's newspapers, and on radio and television. In addition, numerous news releases were provided to the media during the course of the year.

Four newsletters were produced in 1988, pamphlets were updated, and a series of articles for weekly newspapers was produced. Information about International Human Rights Day was also provided to media, to all MLAs, and to public interest groups.

Three posters highlighting *The Saskatchewan Human Rights Code* and the functions of the Commission were printed in 1988, and distributed to every school in the province.

while at least 9.6 percent of Saskatchewan's population is of Indian ancestry.

The plan contains measures that will make the College more accessible to Indian and Metis students. For example, the quota that restricts the number of first-year students in the College of Arts and Science does not apply to Indian and Metis students. Another special measure is to provide personal and spiritual counselling for students of Indian ancestry that makes use of Indian Elders.

At the end of 1988 there were nine employment and six training and education plans in effect. Some of these programs have been in place since 1980. In addition, the Commission was working on several new affirmative action plans with employers and educational institutions. For additional information, see accompanying chart.

Monitoring Reports

In addition to approving affirmative action programs, the Saskatchewan Human Rights Commission is responsible for monitoring programs that have already been approved.

On June 15, 1988 the Commission held public hearings, at which time it received annual reports from 16 organizations. The reports detailed both the progress and problems encountered in the implementation of the institutions' affirmative action programs.

Commissioner Ron Kruzeniski expressed disappointment with the progress of some of the employment affirmative action plans which had been in effect for three years or more, although one long-term plan – the Co-operators of Regina, an insurance and data services company – received praise.

One of the companies that came in for criticism – Saskoil (Saskatchewan Oil and Gas Corp.) – told the Commission after the monitoring hearings that it no longer wished to be part of the Commission's affirmative action program. Its withdrawal was the first in the history of the Commission's involvement in affirmative action.

In Saskatchewan, affirmative action programs are developed in conjunction with the Commission and, upon completion, are approved by the Commission and are monitored on a continuing basis.

When the Commission reviewed Saskoil's plan, it found that virtually no affirmative action activities were taking place. Statistics indicated there were no more people in the three target groups – women in management, people of Indian ancestry, and those who are physically disabled – than there had been at the inception of the plan in 1982.

The public hearing in June was the first reporting period for the first phase of the Government of Saskatchewan's plan, and the plans of the City of Saskatoon and the City of Regina. The Commission found their efforts and results satisfactory.

Training and education institutions were also reviewed. Two plans were discontinued by the Commission at the institutions' request because the courses they referred to were no longer being offered. They were programs that assisted women who wanted to work in the construction industry.

Training and education programs in effect at the end of 1988 are set out in the accompanying chart.

Education Equity

Again in 1988, Education Equity continued to be a major focus of Commission activity. At the end of the year, 19 school boards were participating in Education Equity – a special program for schools that is designed to bring greater benefit to Indian and Metis children. Seventeen of those 19 boards have had their plans approved, and it is anticipated that the remaining two will have their plans approved early in 1989.

Research compiled by the Commission a few years ago indicated that the dropout rate for children of Indian ancestry was much higher than for other children. It seemed clear that Indian and Metis children were not benefiting from the education system in the same way other children do.

In an attempt to improve the situation for young people of Indian ancestry, Education Equity was put into action. The Commission invited school boards with a high proportion of Indian and Metis students in their schools – five percent or more – to develop an affirmative action plan that would make their schools more sensitive to the needs of that group.

It is a generalized plan of action that allows each school board to develop its own plan, with guidance from the Commission.

Each school board that develops a plan is asked to set goals for a ten-year period. The plans are then approved by the Commission and will be monitored by the Commission over the ten-year period the plans are in effect.

The boards that had Education Equity plans at the end of 1988 were: Balcarres, Biggar, Broadview, Cupar, Indian Head, Meadow Lake, North Battleford Catholic, North Battleford Public, Northern Lakes, Northern Lights, Prince Albert Comprehensive High School, Prince Albert Public, Regina Catholic, Saskatoon Catholic, Saskatoon Public, Wadena and Wilkie.

All of the Education Equity Plans set out specific initiatives that will be undertaken in each of the following areas:

- increasing the number of Indian and Metis teachers;
- reviewing school policies and procedures to make sure they are fair to people of Indian ancestry;
- providing cross-cultural training to all teachers;
- putting material in the curriculum that is relevant to Indian and Metis students;
- involving more Indian and Metis parents in the school system.

The 17 boards with Education Equity plans and the two boards whose plans are being processed have a total enrollment of approximately 74,700 students: 15.6 percent are students of Indian ancestry. Those boards employ approximately 4,100 teachers: 3.5 percent are of Indian ancestry.

If the 19 boards meet the goals they have set for themselves, in 10 years an additional 409 teachers of Indian ancestry will have been hired.

Most of the school boards in the province with a high proportion of Indian and Metis students (five percent or over) are now participating in Education Equity. The role of the Commission over the next few years will be to monitor the boards' plans and, if required, to assist them in meeting their goals.

Further assistance has been provided in the form of seminars, conducted in conjunction with various educational institutions.

The first seminar, organized by the Saskatchewan School Trustees Association, the Saskatchewan Teachers' Federation, the provincial Education Department and the Commission, was held in Saskatoon in March 1988.

Representatives from 16 boards attended this seminar, as well as representatives from NORTEP, SUNTEP, ITEP, Gabriel Dumont College, and Saskatchewan Indian Federated College.

While the main thrust of Education Equity has been to involve school boards with a high proportion of Indian and Metis students, the Commission would welcome participation in the program by schools with fewer students of Indian ancestry.

Another first for the Commission in 1988 was participating in the Prince Albert and North Battleford Exhibitions. Commission publications were made available at a display booth, human rights videos were shown, and staff was on hand to respond to questions from the public.

Another aspect of the education role of the Commission is providing information about the *Code* and other human rights issues to the hundreds of inquiries received by telephone, mail, and from visitors to the offices. In addition, thousands of pamphlets explaining the *Code* and the role of the Commission are provided to members of the public each year.

Information is also provided in the form of videos, which are available on a loan basis. "Doing What's Right" provides information about *The Saskatchewan Human Rights Code*; a resource guide for teachers, to be used in conjunction with the video,is also available. In 1988 copies of the video were distributed more than 80 times.

For a listing of other human rights videos that are available, see listing at the end of this report.

The office in Saskatoon also maintains a reference library on human rights issues that is open to the public during office hours. Books, periodicals, and newspaper clippings provide current background information.

Exemptions

Section 48 of *The Saskatchewan Human Rights Code* allows for an exemption from any provision of the *Code* "where any person or class of persons is entitled to an exemption ... under any provision of this Act" or where the Commission "considers (an exemption) necessary and advisable".

In 1988 the Commission considered 19 exemption applications. Eighteen of those applications were granted and one application was under consideration at the end of the year.

Exemptions in 1988 were granted from section 11 (accommodation), section 12 (public services), section 13 (education), section 16 (employment) and section 19 (pre-employment advertisements, job applications and job interviews) of *The Saskatchewan Human Rights Code* .

APPLICANT/DESCRIPTION OF APPLICATION	DATE REQUESTED	STATUS/APPROVAL DATE (CLASSES COVERED BY EXEMPTION)
NORTHWEST REGIONAL COLLEGE Admittance to **Pre-trades for Women Program** can be restricted to female students.	February 18, 1988	March 16, 1988 Exemption from sections 12 and 13 (sex)
CYPRESS HILLS COMMUNITY COLLEGE Admittance to **Computer Comfort Program** can be restricted to adults with severe physical disabilities	February 23, 1988	March 16, 1988 Exemption from section 13 (physical disability)
METIS ECONOMIC DEVELOPMENT FOUNDATION OF SASKATCHEWAN Preference can be given to Metis and Non-Status Indians in the provision of services	December 21, 1987	March 16, 1988 Exemption from sections 12, 16 and 19 (race)
SASKATOON SPECIAL HOME CARE Allows for the recruitment of a male to fill a certified Housing Assistant position	February 29, 1988	March 30, 1988 Exemption from sections 16 and 19 (sex)
LAKESIDE MANOR CARE HOME INC. Employment in two Resident Attendant positions can be restricted to males	March 7, 1988	May 18, 1988 Exemption from sections 16 and 19 (sex)
TOWN OF UNITY Taking into account costs of renovation the Unity Community Centre Hall was exempted from some accessibility requirements	March 23, 1988	May 18, 1988 Exemption from some Accessibility Standards
WHITESPRUCE YOUTH TREATMENT CENTRE Preference to male applicants so that 50% of counsellors would be male.	March 30, 1988	April 13, 1988 Exemption from sections 16 and 19 (sex)
FRIENDSHIP INN (Saskatoon) Hiring preference can be given to persons of Native ancestry	March 22, 1988	April 13, 1988 Exemption from sections 16 and 19 (race)
NATIVE LAW CENTRE, UNIVERSITY OF SASKATCHEWAN Admission to program of legal studies can be restricted to students of Native ancestry.	April 22, 1988	June 29, 1988 Exemption from section 13 (race)
SASKATCHEWAN INDIAN INSTITUTE OF TECHNOLOGIES Priority for entry into educational programs as follows: (1) Treaty Indian people; (2) Non-status aboriginal people and (3) students of non-aboriginal ancestry.	June 14, 1988	July 15, 1988 Exemption from section 13 (race)
SASKATCHEWAN HOUSING CORPORATION Allows Corporation to restrict rental of housing under the Urban Native Housing Program and the Public Housing to persons of Native ancestry.		July 15, 1988 Exemption from section 11 (race)

SOUTH SASKATCHEWAN HOSPITAL CENTRE Preference can be given to a male to fill one Shave Prep Porter position	June 29, 1988	July 27, 1988 Exemption from sections 16 and 19 (sex)
SOUTHWEST CRISIS SERVICES INC. Permits organization to restrict the position of Executive Director of its shelter for battered women to a female.	July 15, 1988	August 9, 1988 Exemption from sections 16 and 19 (sex)
SALVATION ARMY Gives permission to hire a person of the Christian faith as a Family Service worker employed by the Salvation Army.	August 24, 1988	September 1, 1988 Exemption from sections 16 and 19 (religion, creed)
KINSMEN COMMUNITY WORKSHOP (Prince Albert) Allows organization to ensure that at least two out of seven staff positions in a day program are filled by males or females	August 31, 1988	October 28, 1988 Exemption from sections 16 and 19 (sex)
SOFIA HOUSE INC. Operating a shelter for battered women. The organization can restrict certain staff positions and volunteers to females.	October 27, 1988	November 16, 1988 Exemption from sections 16 and 19 (sex)
ATIRA CONSULTING May restrict services of a job re-entry program to single-parent women.	November 30, 1988	December 9, 1988 Exemption from section (12)1 (marital status, sex)
SASKATCHEWAN CHAPTER, THE CANADIAN DEAF-BLIND AND RUBELLA ASSOCIATION Organization can restrict residents in a proposed group home to persons who are deaf-blind.	October 24, 1988	December 16, 1988 Exemption from sections 11, 12 and 13 (physical disability)
MELFORT AND DISTRICT PIONEER LODGE AND NIRVANA PIONEER VILLA Hire a male to work as a full-time male resident attendant working with male patients.	December 8, 1988	Under consideration at end of 1988

Accessibility

The Saskatchewan Human Rights Commission amended its Accessibility Standards Guidelines in April 1988 so that they would confirm as closely as possible to the government's *Uniform Building and Accessibility Standards Act.*

Physically disabled people are often denied their rights to equal opportunity and access because of architectural barriers. To encourage elimination of those barriers, the Commission adopted Accessibility Standards Guidelines in 1980. The Guidelines set out the standards all buildings and facilities to which the public is customarily admitted must meet to be accessible to persons with physical disabilities. But the Commission can act only when it receives a complaint; it uses its Accessibility Standards to assess the validity of that complaint.

The government now also has accessibility regulations under the *Uniform Building and Accessibility Standards Act,* which were proclaimed June 6. The regulations apply to new public buildings and those renovated for a new use; all builders are required to meet those standards at the time of construction.

The Commission is pleased with the broad application of the government's regulations, but is concerned about the buildings and facilities that are exempt in provincial regulations that are not exempted in the Commission guidelines. Some of the most significant differences are:

- provincial regulations exempt any apartment complex which contains fewer than five units. Commission guidelines do not.
- provincial regulations, for the most part, do not require visual and auditory aids in public buildings for those who are hearing impaired or visually impaired. Commission guidelines contain this requirement.
- provincial regulations do not require small office buildings of two and three stories to make the second and third levels accessible. Commission guidelines contain this requirement.
- provincial regulations do not require recreation facilities – such as parks, zoos, camping facilities – to be accessible. Commission guidelines require all recreation facilities to be accessible.

Because of these differences, the Commission will retain its own set of accessibility guidelines and will continue to use them as a standard when reviewing accessibility complaints.

The Saskatchewan Human Rights Code takes precedence over other provincial legislation, and it is therefore possible that a builder who has met the government's accessibility standards could still be in contravention of *The Saskatchewan Human Rights Code.*

Copies of the Commission's accessibility guidelines are available upon request.

List of Human Rights Commission Materials

1. The Saskatchewan Human Rights Code and Regulations.

2. Pamphlets and Brochures:

Affirmative Action
Application Forms and Interview Guide: A Guideline for Employers and Job Applicants
Doing What's Right: The Saskatchewan Human Rights Code
Filing a Complaint: Now What Happens?
Finding a Home: Landlord and Realtor Responsibilities
Human Rights in the Workplace: An Employer's Guide
Rights of the Physically Disabled
Saskatchewan Human Rights Commission - Information Kit
Sexual Harassment
Towards Equality: A Guide to Special Programs in Saskatchewan

3. Saskatchewan Human Rights Commission Newsletters

Aboriginal Peoples of Canada and the Constitutional Process: The Task Ahead
Affirmative Action News No. 1
Affirmative Action News No. 2
Affirmative Action and Human Rights in the 1980's
Affirmative Action: A New Direction for Schools
Affirmative Action: Education Equity
After the Decade: Women's Rights in Saskatchewan
Arbitrary Arrest and Detention
Appeal Court Decision Goes to Chambers
Canada's Constitution and Charter of Rights and Freedoms
Compulsory Retirement: Elements of the Debate
Discrimination on the Basis of Pregnancy
Education Equity Plan Receives Approval
Education System and Human Rights
40th Anniversary of Human Rights Declaration
Independence for Human Rights Commission: An Idea Whose Time Has Come
Longtime Commission Members Honored at Reception
Indian and Metis Self-Government in Canada
KKK: An Editorial Statement
Making Saskatchewan Accessible
Medical Examinations: Guidelines for Employers
Proposed Amendments to Saskatchewan Human Rights Code
Saskatchewan Human Rights Commission Releases Interpretive Document on Pensions, Employee Benefits and Insurance
Sexual Harassment: New Developments and Interpretations
Sexual Harassment: Taking a Stand
The 35th Anniversary of the Universal Declaration of Human Rights
A Time to Celebrate
Two New Members Appointed to Commission

4. "On Rights" Saskatchewan Human Rights Commission Schools Newsletter

Volume 1, No. 1 - An Introduction to Human Rights
Volume 2, No. 1 - The Canadian Charter of Rights and Freedoms: Section 15: Equality Rights
Volume 2, No. 2 - The Canadian Constitution and the Charter of Rights and Freedoms: A History of Civil Liberties in Canada

5. Videos:

Doing What's Right
Human Rights, Human Wrongs (Canadian Living Magazine)
Say No to Racism (Regina Public School Board)
Sexual Harassment in the Workplace (Labour Canada)

Videos are available on a loan basis.

5. Other Materials:

A Manual on the Charter of Rights and Freedoms
Accessibility Standards
Affirmative Action Legal Provisions
* Affirmative Action: A Case Book of Legislation and Affirmative Action Programs in Saskatchewan
Doing What's Right - Workshop Manual (available on loan basis)
Doing What's Right: Teacher's Resource Guide

Education Equity: A Report on Indian/Native Education in Saskatchewan
Human Rights and Benefits in the 80's: An Interpretation of the Saskatchewan Human Rights Code as it Applies to Pensions, Employee Benefits and Insurance
Prejudice in Social Studies Textbooks along with supplement
Saskatchewan Human Rights Commission Affirmative Action Decisions
Saskatchewan Human Rights Commission Exemption Orders
Saskatchewan Human Rights Commission Equal Pay Decisions
Saskatchewan Human Rights Commission Annual Reports 1981, 1982, 1983, 1984, 1985, 1986 and 1987
* Sex Bias in Primary Readers
Steps for Developing an Affirmative Action Program
* TASC Workshop on Handicapism
* TASC Workshop on Racism
* TASC Workshop on Sexism

6. Posters

Opportunities are Everyone's Right
Protected Categories
Protected Areas
Functions of the Commission

List of Other Publications Distributed by the Commission

Dick and Jane as Victims: Sex Stereotyping in Children's Readers - Women and Words and Images Publication
Human Rights - Public Legal Education Association of Saskatchewan Publication

The above publications are available in print or on cassette tape, except those marked with an asterisk (which are available in print only). These publications are available free of charge by contacting the nearest Commission office.

List of Saskatchewan Human Rights Commission Staff

(as of December, 1988)

Irma Bird
Jan Cadman
Dan Conway
Pat Cook
Pat Danforth
Laurena Daniels
Donalda Ford
Cindy Galenzoski
Kenneth Jamont
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William Rafoss
Helen Riggs
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Karen Ross
Rene Roy
June Vargo
Theresa Walker
Ailsa Watkinson
Vera-Marie Wolfe
Milton Woodard

Employees on Leave (Education, Childcare and Indefinite)

Deborah Newlyn

Table 1
Summary of Complaints Received in 1988, by Grounds and Category

	Sexual Harass.	Sex	Indian Ancestry	Other Ancestry*	Religion**	Nationality/ Citizenship	Marital Status	Age	Physical Disability	Other	Total	Percent
Category			12	4			16	1	16	2	51	22.3
Public Services	14	39	4	13	2	2	10	12	30		126	55.1
Employment	1	1	5	1			2		1		11	4.8
Housing		1		1	1		1				4	1.7
Occupations		1	1	1		1					4	1.7
Publications				1							1	.4
Trade Unions												
Prof. and Trade Association												
Contracts												
Education			1	2					2		5	2.2
Reprisals										1	1	.4
Bill of Rights										7	7	3
Application Forms										19	19	8.3
Total	15	42	23	23	3	3	29	13	49	29	229	
Percent	6.6	18.3	10	10	1.3	1.3	12.7	5.7	21.4	12.7		100
Carried forward from 1987											125	
Total files under investigation											354	

* Includes "place of origin, color, race"
** Includes "creed"

Table II
Disposition of Complaints

Disposition	Number
No Jurisdiction	11
No Reasonable Grounds	56
Withdrawn	52
Settled	13
No Probable Cause	27
Probable Cause Found	49
Application Forms	29
Total	237
Under Investigation	117
Grand Total	354

Table III
At Settlement or Board Level

Disposition	Number
Board files carried forward from 1987	24
Settlement files carried forward from 1987	21
Probable cause found in1988	49
Total	94

Table IV
Disposition of Settlements

Disposition	Number
Settled without directing formal inquiry	21
Settled after formal inquiry	17
Disposed of by board decision	7
Total	45

Table V
Disposition of Boards

Disposition	Number
Boards Pending	14
Boards Settled	15
Boards Held	20
Total	49

Table VI
Affirmative Action Plans Received in 1988

Affimative Action Plans	Approved	Under Consideration
Education Equity	8	2
Employment	1	0
Training Programs	0	0
Total	9	2

Table VII
Requests for Exemptions in 1988

Exemptions	Number
Granted	18
Denied	0
Under Consideration	1
Total	19